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Report of the Special Rapporteur on the situation of human rights defenders

Addendum

Observations on communications transmitted to Governments and replies received*

* The present document is being circulated in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

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Introduction

1. The present document is submitted by the Special Rapporteur on the situation of human rights defenders, Michel Forst, to the Human Rights Council, pursuant to reso'ution 25/18 of the Human Rights Council. It contains observations on the communications concerning specific cases addressed by the Special Rapporteur to States.

2. The cases raised by the Special Rapporteur in this addendum include urgent appeals, allegations letter and other letters, as well as press releases issued between 1 December 2014 and 30 November 2015.

3. The report also contains observations on the responses received from States until 31 January 2016. A small number of replies received before 31 January 2015 could not be included because translation of these documents was not available at the time of finalising the report. Most of the responses by States refer to cases raised by the Special Rapporteur during the period December 2014 to November 2015. However, responses received during the reporting period to cases addressed by him in earlier reporting periods have also been included. These communications are marked with a footnote in the text.

4. For ease of reference, cases have been grouped by region, with countries within each region listed alphabetically according to their names in English. Each communication is referenced in one of six categories: urgent appeal (UA), allegation letter (AL), other letter (OL), joint urgent appeal (JUA), joint allegation letter (JAL) and joint other letter (JOL). This is followed by the date the communication was issued, as well as the case number and the date of the State's reply. Where a State's reply was to merely acknowledge receipt of a sent communication, this is indicated with an (A) after the reply date. The electronic version of the present document has both of these items hyperlinked, and clicking on them will open the communication sent and the reply from the concerned State, respectively. In bold, is a short reference to the allegations contained in the communication in the language of submission. Press releases (PR) published during the reporting period are referenced under the communications, with a hyperlink to the statement.

5. The Special Rapporteur is grateful to all States that have transmitted substantive responses to his communications. He considers responses to his communications as an important part of cooperation by States with his mandate. He trusts that States that have not provided substantive responses to his communications will do so shortly.

6. The annex of the report contains information on the communications procedure and guidelines on the submission of complaints to the Special Rapporteur.

Summary

7. Between 1 December 2014 and 30 November 2015, the Special Rapporteur sent 208 communications to 79 States. Of these communications, 111 were urgent appeals and 97 were allegation letters.

8. The Special Rapporteur drew attention to the situation of over 422 people, of whom 87 were identified as women. The report includes 184 cases consisted of follow-ups on persons or organisations, who were previously the subject of communications, as well as 32 press releases.

9. Examined by region, the figures show that 66 communications were addressed to 22 countries in the Asia-Pacific region (32 %); 41 were addressed to 14 countries in the Americas region (20 %); 34 to 12 countries in the Middle East and North Africa (17 %); 32 to 16 countries in Europe and Central Asia (15 %); and 34 were addressed to 15 countries in Africa (16 %) and one to business enterprise (less than 1%).

10. The Special Rapporteur sent 11 communications concerning cases of reprisals taken against groups or persons as a result of their cooperation with the United Nations, its

mechanisms or representatives in the sphere of human rights, or international human rights organisations. These cases included defenders being subjected to smear campaigns, travel bans, harassment, intimidation, arrests, detention, denial of medical treatment, direct threats and physical attacks in 6 countries: Bahrain, Kuwait, Oman, Saudi Arabia, United Arab Emirates and Venezuela (Bolivarian Republic of). This does not include cases of reprisals that have been received and raised through the means of 'quiet diplomacy' by the Special Rapporteur and the President of the Human Rights Council.

11. The Special Rapporteur sent 21 communications concerning draft legislation at the national level that could have a negative impact on the environment in which human rights defenders carry out their activities.

12. At the time of writing, 102 replies were received to the 208 communications (49 % response rate), a slight decrease on the number of responses received the year before. As can be seen from the replies marked with an "A" in this report, the responses from States that were simply acknowledgements amounted to 5%. Finally, several other responses to communications were received after 31 January 2016, which will be reflected in the next report.

AFRICA REGION

13. During the present reporting period the Special Rapporteur sent 34 communications to countries in the African region. The response rate of 21 per cent is the lowest response rate for any region. As part of a continuous dialogue and cooperation, he urges States to address the low rate of responses and ensure that the issues raised in the communications are thoroughly addressed.

14. The Special Rapporteur expresses concern at widespread and multifaceted targeting of human rights defenders in the region, more specifically through stigmatisation, threats, physical attacks, and enforced disappearance, in direct retaliation for their peaceful and legitimate human rights work. He is particularly concerned by the high percentage of communications that highlight the arbitrary arrest and detention of defenders, often in flagrant violation of due process. Furthermore, in communications to a number of countries in the region, the Special Rapporteur drew attention to poor conditions of detention, and within this context a trend of ill-treatment and torture of defenders in detention, including physical attacks, denied access to medical care and prolonged periods of solitary confinement.

15. The Special Rapporteur wishes to highlight his concern at the situation faced by human rights lawyers and independent journalists engaging with human rights issues in the region, as two specific groups increasingly targeted. Following two consultations with defenders from the region in May 2015, the he is disturbed by widespread impunity surrounding attacks and threats against such defenders, and notes with preoccupation reports of restrictions on freedom of information and access to information, undermining the work of human rights journalists.

16. Further concern is expressed for women human rights defenders in the region. According to reports received from various sources, the targeting of women defenders working not only on women's rights but also on other human rights continues to raise alarm. They have faced specific challenges in the context of a system often plagued by structural discrimination and violence against women. The Special Rapporteur expresses serious concern for the public stigmatization of women human rights defenders and gender-based violence and threats aimed at silencing their independent voices and repressing their human rights work. As such, the Special Rapporteur calls on States of the region to implement measures to protect women defenders and to acknowledge their valuable and legitimate work.

17. The Special Rapporteur notes that the persecution of civil society associations and the leaders of those groups, especially prior to, during and in the aftermath of national

elections, has become an urgent issue to be addressed by Governments of the region and the international community. According to information received, human rights defenders are facing increasingly restrictive environments due to the closing of civil society space and attempts to silence critical voices in the context of elections, resulting in a severe reduction in their ability to carry out their essential human rights work in a safe and effective manner. Reports received of the harassment, surveillance, attacks, arrests and torture of human rights defenders in the context of elections are deeply disturbing and have an impact on the quality of the election process. The Special Rapporteur urges States to take steps to ensure that human rights defenders and civil society are able to operate free from any form of intimidation and harassment at all times, and in particular in the lead up to, during, and following elections, including by ensuring full protection of the rights to freedom of assembly, association, opinion and expression.

18. Finally, the development of legislation with the potential to weaken protections of human rights and fundamental freedoms, often carried out under the guise of counter-terrorism or national security measures, continues to pose challenges in the region. Such legislative restrictions on the rights to freedom of peaceful assembly and association, as well as the freedoms of expression and opinion have been highlighted during the current reporting period, and raise serious concern for the situation of human rights defenders exercising these rights as part of their advocacy. In this regard, Special Rapporteur would like to express his full support for the efforts of the African Union, which resulted in adopting new Principles and Guidelines on Human and People's Rights while Countering Terrorism in Africa He looks forward to further cooperation with African Union and its member States in the implementation of the Principles and Guidelines in the future.

Angola

19. JAL 18/08/2015 Case no. *AGO 1/2015* State reply: *21/12/2015*

Trial and conviction on charges of criminal defamation of Mr. Rafael Marques de Morais, an Angolan journalist and human rights defender, following his publication of a book titled "Blood Diamonds: Corruption and Torture in Angola".

20. JUA 28/09/2015 Case no. *AGO 2/2015* State reply: none to date

Allegations of arbitrary arrest and detention of a human rights defender Mr. José Marcos Mavungo, as well as charges brought against him, and the alleged arbitrary arrest and detention of another human rights lawyer and his client.

21. JUA 23/10/2015 Case no. *AGO 3/2015* State reply: *11/12/2015*

Allegations of arbitrary arrest and detention of fourteen human rights activists and a member of the National Air Force as well as charges brought against them and two other human rights activists who remain at liberty.

22. PR *23/10/2015*

UN experts urge Angola to release fourteen rights activists detained for criticizing the Government

23. The Special Rapporteur would like to thank the Government for the two responses received to the communications, and notes that, as of the finalization of this report, no response has been received to the communication sent on 28 September 2015. He hopes to receive the response to this communication shortly.

24. The Special Rapporteur expresses concern for the situation faced by human rights defenders in the country, and in particular for the continued arbitrary arrest, detention, and bringing of reportedly unfounded judicial processes against defenders in an attempt to curtail their legitimate and peaceful human rights activities.

25. The Special Rapporteur is also concerned about the conviction of human rights defender and writer Mr. Rafael Marques de Morais, on charges of defamation in May 2015. He notes the Government's response to the communication dated 18 August 2015 and appreciates the details provided in terms of the protection of freedom of expression within the country. Nevertheless, he fears that the trial of Mr. Marques de Morais and his conviction were a direct consequence of the legitimate exercise of his right to freedom of expression to expose corruption and human rights violations in the country and that defamation laws were used to prevent Mr. Marques from carrying out important and legitimate activities as a journalist revealing human rights abuses in the country. He is concerned about the potential chilling effect of the judgement on other human rights defenders, journalists and writers in Angola.

26. The sentencing of Mr. José Marcos Mavungo to six years' imprisonment on charges of rebellion is also troubling because it is feared to be directly related to his legitimate and peaceful human rights activities, in particular his organisation of a peaceful protest in support for good governance and human rights.

27. The Special Rapporteur expresses grave concern for the alleged arbitrary arrest and detention of the fourteen human rights activists and Mr. Osvaldo Sérgio Correia Caholo collectively known as the 'Angola 15', as well as the charges brought against them and the ensuing judicial proceedings, which seem to be aimed at preventing them from peacefully exercising their legitimate human rights activities, including their rights to freedom of expression and peaceful assembly. According to information received from multiple sources subsequent to the sending of the communication on this case, on 23 October 2015, the trial of the human rights activists opened on 16 November 2015, at the Luanda Provincial Tribunal. It is particularly concerning that in this case, criminal law proceedings have been used to silence non-violent dissenting voices, in addition to the criticism of the Government. Further concern is expressed for the physical and psychological health of the 15 detained individuals, and in particular for Mr. Luaty Beirão, as expressed by the Special Rapporteur in the press release dated 23 October 2015. The Special Rapporteur welcomes recent reports that indicate that on 15 December 2015, the Luanda Provincial Tribunal approved a request of the Public Prosecutor to transfer the detainees under house arrest, as of 18 December 2015. The Special Rapporteur takes note of the response received from the Government on 11 December 2015, and urges the Government to provide further information on the investigation and on-going judicial proceedings.

28. In light of the above-expressed concerns, the Special Rapporteur refers to the European Parliament resolution of 10 September 2015 on Angola, and expresses his grave concern for the situation of human rights defenders in the country in the continuing clampdown on any suspected challenge to the authority of the Government. He joins the call of the European Parliament for the Angolan authorities to immediately and unconditionally release all human rights defenders detained in the State, including the above-mentioned, and to drop all charges against them.

Burundi

29. JUA 05/02/2015 Case no: *BDI 2/2015* State reply: none to date

Allégations concernant l'arrestation et de la détention arbitraire du rédacteur en chef de la Radio Publique Africaine (RPA), Mr. Bob Rugurika.

30. JUA 30/04/2015 Case no: *BDI 3/2015* State reply: *04/05/2015*

Allégations relatives à l'usage excessif de la force par la police contre des manifestants qui aurait entrainé la mort de plusieurs d'entre eux, ainsi qu'à l'arrestation de plus de 200 manifestants, à la suspension de l'émission de plusieurs radios et à l'arrestation et détention provisoire d'un défenseur des droits de l'homme, M. Pierre Claver Mbonimpa.

31. JUA 13/11/2015 Case no: BDI 5/2015 State reply: 07/01/2016, 29/01/2016

Allégations de violations du droit à la vie et des libertés d'expression, de réunion et d'association pacifique ainsi que de cas de torture .

32. JAL 20/11/2015 Case no: BDI 6/2015 State reply: none to date

Allégations de fausses déclarations de vol auprès d'Interpol, de passeports appartenant M. Vital Nshimirimana à des défenseurs des droits de l'homme, , des militants et des opposants politiques, dans le but de restreindre leurs activités légitimes.

33. PR 30/04/2015

Pre-election violence endangers Burundi's young democracy, UN rights experts warn

34. PR 16/07/2015

UN experts call for determined Security Council action to prevent mass violence in the Great Lakes region

35. PR 07/08/2015

UN expert calls for protection of all rights defenders after attempted killing of top activist

36. PR 13/11/2015

UN experts welcome the Security Council call on Burundi and urge concrete actions

37. Le Rapporteur spécial remercie le Gouvernement des deux réponses qui ont été reçues aux communications envoyées pendant la période couverte par le présent rapport. Il regrette néanmoins de ne pas avoir reçu de réponse concernant deux autres communications envoyées, notamment en raison de la gravité des allégations, et il espère les recevoir dans les meilleurs délais.

38. Le Rapporteur spécial remercie le Gouvernement des informations fournies en réponse à sa lettre du 5 février 2015. Néanmoins il regrette que la réponse ne traite pas spécifiquement de l'arrestation et de la détention arbitraire du rédacteur en chef de la Radio Publique Africaine (RPA), mais fait plus généralement l'objet d'une déclaration du vice-président sur la situation dans le pays au cours du mois d'avril 2015. Il espère recevoir une réponse substantielle à sa lettre, portant notamment sur les allégations affirmant que l'arrestation et la détention de M. Rugurika seraient liées à son travail pacifique en faveur des droits de l'homme et à l'exercice de son droit à la liberté d'opinion et d'expression.

39. Le Rapporteur spécial exprime également sa profonde préoccupation quant à l'aggravation de la situation au Burundi au cours des derniers mois et notamment quant aux attaques et morts de manifestants et défenseurs des droits de l'homme. Le Rapporteur spécial est reconnaissant d'avoir reçu une réponse à sa lettre du 13 novembre concernant des allégations de violations graves des droits de l'homme de la part de représentants de l'Etat. Il remercie le Gouvernement d'avoir adressée les allégations de torture et d'exécutions arbitraires dans lesquelles la Police nationale de Burundi (PNB) serait impliquée. Il demeure préoccupé quant aux circonstances de la mort de M. Welli Nzitonda, fils de M. Pierre Claver Mbonimpa, un défenseur des droits de l'homme et président de l'Association pour la protection des droits humains et des personnes détenues (APRODH). Le Rapporteur spécial apprécie les informations fournies quant à la formation des forces de l'ordre sur les droits de l'homme et la lutte contre la torture, mais il reste préoccupé par des informations reçues selon lesquelles la situation en termes des droits de l'homme continue à se détériorer et les acteurs des violations restent dans l'impunité. Les informations récentes

relatives à des incidents de violence sexuelle, d'actes de torture et de disparitions forcées, impliquant le Service nationale de renseignement (SNR) et la PNB, exigent des actions urgentes de la part du Gouvernement pour faire face à l'urgence de la situation. Le Rapporteur spécial est aussi très préoccupé par des signes indiquant une tournure ethnique des affrontements. Il aimerait rappeler au Gouvernement de Burundi sa responsabilité de traduire en justice les responsables de violations des droits de l'homme et exprime sa forte inquiétude face à l'impunité qui semble régner dans le contexte actuel. Il demande au Gouvernement de faire en sorte que les défenseurs des droits de l'homme, y compris la société civile et les militants, puissent travailler dans un environnement favorable au Burundi et mener leurs activités légitimes sans crainte de harcèlement, de stigmatisation ou de criminalisation de quelque nature que ce soit. Il encourage également le Gouvernement à coopérer pleinement avec les procédures spéciales du Conseil des droits de l'homme, et aimerait rappeler à ce propos la résolution du 17 décembre 2015 du Conseil des droits de l'Homme, et encourage le Gouvernement à coopérer avec la mission spéciale d'experts indépendants sur le Burundi.[1]

Cameroon

40. JAL 27/04/2015 Case no: *CMR 1/2015* State reply: none to date

Allégations de menaces et campagne de dénigrement contre deux femmes défenseures des droits de l'homme, Mme Maximilienne Ngo Mbe et Mme Alice Nkom.

41. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue aux communications envoyées pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à la communication envoyée.

42. Le Rapporteur spécial exprime son inquiétude concernant les menaces, et plus spécifiquement la campagne de dénigrement des deux femmes défenseurs des droits de l'Homme, Mme. Maximilienne Ngo Mbe et Mme Alice Nkom, et leur association, Réseau des Défenseurs des Droits de l'Homme de l'Afrique Centrale (REDHAC). Il est également préoccupé par les allégations affirmant que ces actions sont liées à leurs activités de défense des droits de l'homme et en particulier, des droits des personnes lesbiennes, gays, bisexuelles, transgenres et intersexuées (LGBTI). Le Rapporteur spécial exprime sa préoccupation quant à la sécurité des défenseurs œuvrant pour les droits des personnes (LGBTI) au Cameroun.

Dominican Republic of Congo

43. JUA 16/06/2015 Case no: *COD 3/2015* State reply: none to date

Allégations concernant la détention arbitraire et incommunicado d'un défenseur des droits de l'homme, M. Bauma Winga, et les mauvaises conditions de sa détention.

44. JUA 30/11/2015 Case no: *COD 4/2015* State reply: none to date

Allégations de détention arbitraire de deux défenseurs des droits de l'homme, M. Christopher Ngoyi Mutamba et M. Yves Makwambala.

45. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue aux deux communications envoyées pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à cette communication.

[1] See A/HRC/RES/S-24/1

46. Le Rapporteur Spécial exprime sa préoccupation quant aux détentions arbitraires de trois défenseurs des droits de l'homme, de M. Bauma Winga, M. Christopher Ngoyi Mutamba et M. Yves Makwambala, qui semblent être liées à leurs activités légitimes et pacifiques en faveur de la défense des droits de l'homme en République Démocratique du Congo (RDC). Il exprime également son inquiétude face aux allégations d'obtention illégale de preuves, de vice de procédure, et de procès non-équitable. Le Rapporteur spécial est préoccupé par la situation difficile dans laquelle les défenseurs des droits de l'homme tentent d'exercer leurs droits à la liberté d'association et de réunion pacifique, ainsi qu'à la liberté d'opinion et d'expression en RDC.

Ethiopia

47. JUA 27/02/2015 Case no: *ETH 1/2015* State reply: none to date

Allegations of arbitrary arrest, forced transfer, incommunicado detention and solitary confinement, torture and cruel, inhuman and degrading treatment of Mr. Andargachew Tsige, a British human rights defender, by Ethiopian authorities.

48. JUA 12/05/2015 Case no: *ETH 3/2015* State reply: none to date

Allegations of denial of adequate medical attention to a British human rights defender, Mr. Andargachew Tsige, in the custody of Ethiopian authorities as well as of an arbitrary death sentence pronounced against him.

49. JUA 21/10/152015 Case no: *ETH 4/2015* State reply: none to date

Enforced disappearance, detention and trumped-up charges against three human rights defenders.

50. PR *21/01/2016*

UN experts urge Ethiopia to halt violent crackdown on Oromia protesters, ensure accountability for abuses.

51. The Special Rapporteur regrets that, as of the time of finalising this report, no response has been received to the communications sent during the present reporting period. He hopes to receive responses to these communications shortly, especially considering the extreme seriousness of the issues they address.

52. The Special Rapporteur expresses serious concern for the situation of human rights defender Mr. Andargachew Tsige, who was forcibly extradited from Yemen to Ethiopia on 23 June 2014, and has since been held in detention in Ethiopia, under conditions of alleged torture and severe ill-treatment, including the arbitrary suspension of all rights to due legal process, extended periods of solitary confinement, subjection to constant artificial light, and the denial of access to medical examinations as well as his family. According to information received subsequent to the sending of the communications concerning Mr. Tsige, on 27 February 2015 and 12 May 2015, the human rights defender, who faces the death sentence following his trial in absentia on terrorism charges in 2009, has been transferred to a federal prison in Addis Ababa, where he remains detained as of the finalizing of this report. The Special Rapporteur reiterates the call made by the UN Working Group on Arbitrary Detention, and urges the immediate and unconditional release of Mr. Tsige.

53. The Special Rapporteur also expresses serious concern for the situation of human rights defenders M. Omot Agwa Okwoy, M. Ashimie Astin and M. Jamal Oumar Hojole. According to information received subsequent to the sending of the communication concerning the three individuals, the human rights defenders continue to stand trial for charges under Ethiopia's anti-terrorism law, in alleged direct retaliation for their proposed participation in a human rights workshop in March 2015.

54. The Special Rapporteur jointly with other independent experts expressed grave concern over the Ethiopian Government's application of the Anti-Terrorism Proclamation 652/2009 to arrest and prosecute protesters, labelling them as 'terrorists' without substantiated evidence. Ethiopia's use of terrorism laws to criminalize peaceful dissent is a disturbing trend, as illustrated during the recent Oromia protests. The labelling of peaceful activists as terrorists is not only a violation of international human rights law, but it also contributes to an erosion of confidence in Ethiopia's ability to fight real terrorism. The Special Rapporteur reminds the Government of its responsibility to give space for human rights defenders and civil society to peacefully make use of their right to freedom of expression.

55. The Special Rapporteur urges the Ethiopian authorities to end the ongoing crackdown on peaceful protests by the country's security forces, which have reportedly killed more than 140 demonstrators and arrested more in weeks prior to the publication of this report. He calls on the he Government to immediately release protesters who have been arrested for exercising their rights to freedom of peaceful assembly and expression, to reveal the whereabouts of those reportedly disappeared and to carry out an independent, transparent investigation into the security forces' response to the protests.

Gambia

56. JUA 23/12/2014 Case no: *GMB 1/2014* State reply: none to date

Allegations of arbitrary arrest and detention of three individuals as a direct result of their peaceful and legitimate activities advocating for human rights in Gambia.

57. The Special Rapporteur regrets that, as of the time of finalising this report, no response has been received to the communication sent during the present reporting period. He encourages the Government to fully engage with the mandate on matters raised in relation to human rights defenders in the future.

58. The Special Rapporteur welcomes reports received of the acquittal and release of the human rights defender and social justice activist, Mr. Sait Matty Jaw. Mr. Jaw, one of the subjects of the joint allegation letter sent to the Government on 23 December 2014, was reportedly released following the dismissal of all charges against him by the Banjul Magistrates Court on 29 April 2015. Mr. Jaw had been detained on 5 November 2014, in relation to his role in the carrying out of a poll on good governance and corruption in the State. Whilst welcoming this development in the case of Mr. Jaw, the Special Rapporteur expresses concern for reports of an appeal of this decision by the state prosecutor in the case. He calls for any outstanding legal proceedings against Mr. Jaw to be immediately dropped.

Guinea

59. JUA 07/04/2015 Case no: *GIN 1/2015* State reply: none to date

Allégations d'agression, coups, insultes et menaces d'un défenseur des droits de l'homme en Guinée.

60. JUA 29/10/2015 Case no: *GIN 3/2015* State reply: none to date

Allégations quant à l'arrestation et la détention arbitraire de M. Jean Dougou Guilavogui, défenseur des droits de l'homme et leader syndical à Conakry, en Guinée.

61. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue aux communications envoyées pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à ces communications, notamment en raison de la gravité des allégations.

62. Le Rapporteur spécial exprime sa préoccupation quant aux allégations d'agressions, coups, insultes et menaces visant un avocat et défenseur des droits de l'homme, et en particulier concernant l'implication dans celles-ci d'un membre de la Garde présidentielle de la République de Guinée. Il exprime une forte inquiétude par rapport au fait que ces actions seraient liées à ses activités légitimes en tant qu'avocat et défenseur des droits de l'homme, et exprime également son inquiétude quant à l'absence d'investigation et de poursuite contre les auteurs de ces agressions.

63. Le Rapporteur spécial exprime ses préoccupations concernant l'arrestation et la détention arbitraire de M. Jean Dougou Guilavogui, avec d'autres syndicalistes, qui seraient liées à ses activités légitimes et pacifiques de promotion et de protection des droits de l'homme. Il exprime également sa préoccupation quant à l'information reçue sur le refus de lui accorder une attention médicale adéquate et que malgré un état de santé critique, il resterait encore en détention. Il encourage le gouvernement de Guinée de fournir des informations quant aux fondements légales de son arrestation et détention, et de toute urgence lui accorder l'accès aux soins médicaux dont il aurait besoin.

Kenya

64. JAL 16/12/2014 Case no: *KEN 6/2014* State reply: none to date

Alleged human rights violations resulting from the improper management of lead, in a lead smelter operated from 2007 to March 2014, near the Owino Uhuru community in Kenya.

65. JAL 18/12/2014 Case no: *KEN 7/2014* State reply: none to date

Alleged non-compliance with international human rights law and standards of a draft of Security Laws (Amendment) Bill 2014, amending existing anti-terrorism legislation.

66. JUA 17/02/2015 Case no: *KEN 1/2015* State reply: none to date

Alleged serious criminal charges against eight human rights defenders for taking part in a peaceful demonstration against the Security Laws (Amendment) Bill.

67. JAL 20/04/2015 Case no: *KEN 2/2015* State reply: none to date

Allegations concerning the freezing of the bank accounts of two Non-Governmental Organizations (NGOs), Haki Africa and Muslims for Human Rights (MUHURI).

68. JAL 24/04/2015 Case no: *KEN 3/2015* State reply: none to date

Allegations of threats made against a human rights defender, Mr. Maina Kiai, and the risk of deportation of another human rights defender, Ms. Lucy Elizabeth Hannan.

69. The Special Rapporteur regrets that, as of the time of finalising this report, no responses have been received to the communications sent during the present reporting period. This is particularly regrettable given the number and nature of the communications sent during this time, which have, amongst other issues, raised the matter of draft legislation pending implementation. He encourages the Government of Kenya to fully engage with the mandate of the Special Rapporteur on the situation of human rights defenders, in the future.

70. The Special Rapporteur expresses concern for multiple elements of the Security Laws (Amendment) Bill, 2014, which was signed into law on 19 December 2014. The Special Rapporteur reiterates his fears that the adopted legislation may place undue restrictions on the rights of freedom of association and freedom of expression, and thus restricts the work of human rights defenders in Kenya, and opens them up to criminal

prosecution following from their legitimate and peaceful activities. The anti-terrorism law may also potentially be used to unduly violate the right to privacy and to receive, seek and share information. The Special Rapporteur reiterates his concerns as communicated to the Government in the joint urgent appeal of 17 February 2015, on information received in relations to the arrest and bringing of criminal charges against eight human rights defenders from the Bunge La Mwananchi movement, which advocates for social justice and human rights, for their participation in peaceful protests against the adaptation of the Bill. The Special Rapporteur urges the Government to accept the recommendation made at the Universal Periodic Review in January 2015 to ensure the Security Laws (Amendment) Bill is in line with human rights, limiting pre-trial detention and no subjecting demonstrations to the approval of the Council of Ministers.

71. The Special Rapporteur welcomes reports received of the decision of the Mombasa High Court to unfreeze the bank accounts of the human rights organisations Haki Africa and Muslims for Human Rights (MUHURI), on 12 November 2015, on the grounds that the freezing was unconstitutional and violated the rights of the two organisations. The High Court also ordered the nullification of the gazette notice linking the two human rights organisations to terrorism and terror activities in Kenya.

72. The Special Rapporteur expresses serious concerns regarding the threats against human rights defender Mr. Maina Kiai, and the risk of deportation of Ms. Lucy Elizabeth Hannan, and the fact that these actions may be linked to their peaceful and legitimate human rights work in the country.

Malawi

73. JUA 09/02/2015 Case no: *MWI 2 2015* State reply: none to date

Allegations of threats, intimidation and acts of defamation against two human rights defenders, Mr. MacDonald Sembereka and Mr. Gift Trapence, and their organizations.

74. The Special Rapporteur regrets that, as of the time of finalising this report, no response has been received to the communication sent during the present reporting period.

75. The Special Rapporteur expresses concern for the situation of human rights defenders and non-governmental organisations working on human rights issues in the country, in light of the allegations of threats, intimidation and acts of derogatory characterisation, carried out against the human rights defenders Mr. MacDonald Sembereka and Mr. Gift Trapence, and their organisations, the Malawi Network of Religious Leaders Living or Personally affected by HIV/AIDS (MANERELA+) and the Centre for the Development of People (CEDEP). The Special Rapporteur raises particular concern over the role of high-ranking members of the Government in harassing non-governmental organisations within the State, through threats of revocation of registration for organisations engaged in peaceful protests. He underlines the importance of unhindered exercise of the right to peaceful assembly for human rights defenders to be able to carry out their work.

76. The Special Rapporteur notes the cooperation of the Government of Malawi during the Universal Periodic Review in May 2015; however remains concerned about the situation of human rights defenders with regard to restrictions on their rights to freedom of peaceful assembly and expression. He remains concerned about reports that human rights defenders who have exercised these rights have been subject to violent attacks by security forces and other actors, and that this has resulted in injuries and even death. He reiterates the responsibility of the State to protect human rights defenders and to ensure a safe and enabling environment for their work.

Rwanda

77. JUA 08/12/2014 Case no: *RWA 2/2014* State reply: *23/07/2015*

Alleged arbitrary arrest and detention of several ousted members of a Rwandan non-governmental organization, Rwanda League for the Promotion and Defence of Human Rights (LIPRODHOR).

78. JAL 06/11/2015 Case no: *RWA 2/2015* State reply: none to date

Allégations quant aux arrestations, suivies de leurs libérations, de sept membres d'une organisation non gouvernementale de défense des droits de l'homme au Rwanda, Ligue des droits de la personne dans la région des Grands Lacs (LDGL), ainsi que des allégations d'actes de harcèlement envers les membres de cette organisation.

79. The Special Rapporteur thanks the Government for the information provided in response to his letter of 8 December 2014. However, he regrets that no response was received to the communication sent on 6 November 2015, and encourages the Government to respond to this communication.

80. The Special Rapporteur expresses concern over the arrest and detention of members of the Rwanda League for the Promotion and Defence of Human Rights (LIPRODHOR), an organization promoting human rights in Rwanda, thus preventing their participation in the general assembly of the organisation. He takes note of the Government's reply received 23 July 2015, justifying the arrests made according to the rule of law in Rwanda. However, he remains concerned with the legitimate reasons for the intervention into the organisations activities. The Special Rapporteur also expresses concern about the arrests and acts of harassment and intimidation against several members of the League of Human Rights in the Great Lakes region (LDGL), allegedly linked to their exercise of the right to freedom of expression and freedom of association. He reminds the Government of Rwanda of the deteriorating effect that the governmental intrusion into the affairs and activities of non-governmental organizations, including the arrest of their members, can have on the full exercise of their right to freedom of association and peaceful assembly, and of opinion and expression, in the country. He remains concerned that the violations identified in these two communications could constitute a trend where human rights defenders are targeted because of their exercise of those rights.

Sudan

81. JUA 09/12/2014 Case no: *SDN 6/2014* State reply: none to date

Alleged arbitrary arrest and incommunicado detention of Dr. Amin Mekki Medani a human rights lawyer and defender, and Mr. Farouk Abu Eissa, a political activist.

82. JAL 11/03/2015 Case no: *SDN 1/2015* State reply: none to date

Alleged deregistration of 14 associations in Sudan for contravening the Law on Cultural Groups of 1996 regulating associations.

83. JUA 27/04/2015 Case no: *SDN 2/2015* State reply: none to date

Alleged arbitrary arrest and detention, inadequate conditions of detention, and charges against Mr. Adil Bakheit, a human rights defender.

84. JUA 28/05/2015 Case no: *SDN 3/2015* State reply: none to date

Alleged arbitrary detention, ill-treatment and interrogation of Ms. Sandra Farouq Kodouda and the arbitrary detention of Mr. Galal Mustafa, two human rights defenders.

85. The Special Rapporteur regrets that, as of the time of finalising this report, no responses have been received to four communications sent during the present reporting period. He encourages the Government of Sudan to fully engage with the mandate on the situation of human rights defenders in the future.

86. The Special Rapporteur expresses grave concern for the situations faced by several human rights defenders, who have been subjected to arbitrary arrest, detention and judicial processes during the course of the present reporting period. Particularly worrying in this regard is the apparent implication of the National Intelligence and Security Service (NISS) in targeting defenders, in what appear to be direct attempts to restrict their legitimate and peaceful human rights work and to restrain them in the continuance of their activities.

87. Whilst welcoming the release of the human rights defender Dr. Amin Mekki Medani and the Sudanese activist Mr. Farouk Abu Eissa, and the dropping of the case against them on 9 April 2015, the Special Rapporteur expresses concern that their allegedly arbitrary arrest and detention on 6 December 2014, as well as the charges initially pursued against them, were motivated by the desire to halt their human rights work, and stimulated in particular by their signing of a declaration calling for an end to conflict in the country.

88. The Special Rapporteur expresses further concern for the alleged arbitrary arrest, detention and bringing of charges against human rights defender Mr. Adil Bakheit in April 2015, which he fears to be directly connected to his peaceful and legitimate human rights activities. Whilst welcoming reports received indicating the release of Mr. Baheit on bail on 3 May 2015, the Special Rapporteur expresses serious concern for the severity of the charges against him, which include "offences against the State undermining the constitutional system" and "waging war against the State", which, as of the finalization of this report, remain pending against him, and which carry potential sentences of life imprisonment and death. The Special Rapporteur also raises concern for the situation of Ms. Sandra Farouq Kodouda and Mr. Galal Mustafa, human rights defenders and prominent members of civil society in Sudan, who have been subjected to repeated interrogation, detention and harassment during the present reporting period, in what appears to be direct response to their public criticism of the human rights situation in the country.

89. The Special Rapporteur expresses concerns in light of the targeting of leading members of the civil society in Sudan, as documented in the allegations communicated to the Government during the present reporting period. He is also disturbed by the harassment of non-governmental organisations and associations through the threat of their deregulation by State authorities, and their actual deregulation, in the case of the National Civic Forum, the Sudanese Writers' Union and the Mahmoud Mohamed Taha Cultural Centre. The Special Rapporteur fears that these acts constitute direct obstructions to the exercise of the right to freedom of association, as deregistration of associations prevents them from legally carrying out their activities. He is concerned that the regulation of organisations and associations in Sudan is being used as a tool to silence dissent in the country, and calls for the fundamental right of freedom of association to be fully respected.

South Sudan

90. JOL 29/07/2015 Case no: *SSD 1/2015* State reply: none to date

Alleged imminent entry into force of the Non-Governmental Organization Bill, 2015, (NGO Bill).

91. JUA 24/09/2015 Case no: *SSD 3/2015* State reply: none to date

Alleged arbitrary detention, torture and enforced disappearance of a human rights journalist Mr. Clement Lochio Lomornana, and two other individuals.

92. The Special Rapporteur regrets that, as of the time of finalising this report, no response has been received to the urgent communication and the letter on legislation sent during the present reporting period.

93. The Special Rapporteur expresses concern that the Non-Governmental Organization (NGO) Bill could have a negative impact on the essential work undertaken by civil society groups, including humanitarian organizations, in South Sudan, and appear to be in contravention of international human rights law. He echoes the concerns expressed by the United Nations High Commissioner for Human Rights in a recent report, which refers to a climate of fear and repression against civil society organizations (A/HRC/28/53, paragraph 24).[2] At the time of finalising the report the Bill had not been approved.

94. The Special Rapporteur expresses concern for the safety of the human rights journalist Mr. Clement Lochio Lomornana, who was last seen being forced into a military vehicle in Chukudum, on 15 August 2015. No further information on his fate or whereabouts have been received by the Special Rapporteur, subsequent to the sending of the communication on Mr. Lomornana's case to the Government. The Special Rapporteur urges the Government to address the concerns for his safety as a matter of urgency, and to provide information as to his fate and whereabouts. In light of the serious allegations of torture of Mr. Lomornana, following his alleged arbitrary detention by state security forces on 6 August 2015, the Special Rapporteur expresses great concern for his physical and psychological integrity. The Special Rapporteur also fears the actions taken against Mr. Lomornana to be directly related to his work as a journalist in defence of human rights and the legitimate exercise of his right to freedom of expression.

Swaziland

95. JUA 25/03/2015 Case no: *SWZ 1/2015* State reply: none to date

Alleged arbitrary detention, conviction and solitary confinement of Mr. Thulani Maseko, a human rights lawyer, for exercising his legitimate right to freedom of opinion and expression.

96. The Special Rapporteur regrets that, as of the time of finalising this report, no response has been received to the communication sent during the present reporting period.

97. The Special Rapporteur welcomes information received of the release of the prominent lawyer and human rights defender Mr. Thulani Maseko, subject of the communication sent on 30 July 2015, following the ruling of the Supreme Court of Swaziland that he had been wrongly convicted to two years imprisonment without bail, on charges of contempt of court. Whilst welcoming the release of Mr. Maseko, who had been detained since 17 March 2014 and denied bail on multiple occasions, the Special Rapporteur reiterates his strong concerns that his arrest, detention and prior sentencing were made in a direct attempt to halt his legitimate human rights work, in particular his advocacy for rule of law within the State, through the exercise of his right to freedom of expression and opinion. Grave concern is also reiterated that during his period of arbitrary detention, Mr. Maseko was held in solitary confinement during extended periods, and faced reprisals for publishing a letter on the anniversary of his detention.

Uganda

98. JOL 27/04/2015 Case no: *UGA 1/2015* State reply: none to date

[2] http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Pages/ListReports.aspx

Alleged non-compliance with international human rights law and standards of a recently published bill regulating associations, introducing undue limitations to the right to freedom of association.

99. JAL 12/08/2015 Case no: UGA 2/2015 State reply: 07/09/2015 (A)

Alleged temporary arrest and repeated harassment of Mr. Justus Orishaba Bagamuhunda, a human rights defender.

100. The Special Rapporteur takes note of the acknowledgement of receipt received for one of the two communications sent during the present reporting period. However, he regrets that, as of the finalizing of this report, no substantive reply has been received to either of the communications sent during the present reporting period. As such, he urges the Government to cooperate fully with the mandate in the future.

101. The Special Rapporteur remains greatly concerned by provisions of the "Non-Governmental Organisations Bill, 2015" (NGO Bill) that would severely restrict the right to freedom of association in the country, and the limitations of the work of human rights defenders inherent in the Bill's provisions. The Special Rapporteur expresses particular concern for the vague formulation of multiple provisions within the Bill, and wide discretionary powers given to the Minister for Internal Affairs and the National Board for NGOs at the National, District and Sub-County levels by them. The Special Rapporteur fears that the Bill, which was passed with amendments by the Parliament on 26 November 2015, will compound a growing trend of restrictions on the activities of associations working on human rights, and on human rights defenders operating through or within them, in Uganda.

102. The Special Rapporteur welcomes recent reports detailing the dismissal of charges against human rights defender Mr. Justus Orishaba Bagamuhunda. According to information received, the charges against Mr. Bagamuhunda, who was the subject of the joint allegation letter sent on 12 October 2015, were dismissed by the Magistrate Court of Kabale on 24 November 2015.

Zimbabwe

103. JUA 23/03/2015 Case no: ZWE 1/2015 State reply: 30/03/2015 (A)

Alleged arbitrary arrest, incommunicado detention and enforced disappearance of Mr. Itai Peace Kadizi Dzamara, a human rights defender.

104. The Special Rapporteur takes note of the acknowledgement of receipt received, but regrets the lack of a substantive response to the extremely serious communication sent during the present reporting period. He urges the Government to provide a response to the questions raised therein and cooperate fully with the mandate in the future.

105. The Special Rapporteur reiterates his utmost concern for the safety of human rights defender Mr. Itai Peace Kadizi Dzamara, who was allegedly arrested and disappeared on 9 March 2015, following an extended period of harassment, including his arbitrary arrest, physical assault, incommunicado detention, and interrogation, in relation to his role as leader of peaceful protests calling for the resignation of President Robert Mugabe, in the Occupy Africa Unity Square movement. As of the finalizing of this report, the whereabouts of Mr. Dzamara remain unknown, and fears persist that he may be at risk of torture or other forms of ill-treatment. Further concern is expressed for the effect of the disappearance of the human rights defender on his family, and for the potential dissuading effect of his disappearance on other human rights defenders wishing to legitimately exercise their right to freedom of assembly in the State. The Special Rapporteur urges the Government to immediately provide information as to the fate and whereabouts of Mr. Dzamara.

AMERICAS REGION

106. During the present reporting period the Special Rapporteur sent 41 communications to countries in the Americas region. He takes note of the response rate of 61% for the region, which is the same in percentage since the previous reporting period. The Special Rapporteur thanks the Governments for their responses and urges those who have not responded to his communications to do so in the future.

107. The Special Rapporteur remains extremely concerned by the growing pattern of killings of human rights defenders in direct acts of retaliation on their peaceful and legitimate human rights work in the region. He is also concerned by the high number of communications sent on threats against defenders and their families, in particular given the high percentage of such communications concerning death threats. During the current reporting period, human rights defenders in the region have faced an increasingly high risk of being arbitrarily arrested and detained, in acts of intimidation constituting clear attempts to halt them in the carrying out of their legitimate work and to dissuade them from continuing with the promotion and protection of human rights. In several cases, defenders have also faced ill-treatment while held in detention by state authorities including police and military officers. In light of this, the Special Rapporteur wishes to once again remind Governments in the region of their responsibility to respect the rights of defenders and protect them from violations of their rights, including by taking steps to ensure the physical and psychological integrity of defenders. The States are also encouraged to ensure a safe and enabling environment in which defenders can carry out their work. Furthermore, the Special Rapporteur underlines his grave concern at continued impunity surrounding attacks against human rights defenders in the region, amounting to one of the most concerning facets of the challenges facing defenders.

108. The Special Rapporteur reiterates his concern at the situation faced by indigenous and afro-descendant human rights defenders, as well as land rights defenders and environmentalists, in the context of continued cooperation between Governments of the region and national and international companies in the development of large-scale development projects. The clear trend of increased risk for human rights defenders who oppose these projects, highlighting their negative impact on human rights is of concern. In particular, the Special Rapporteur would like to underline the pattern of leaders of indigenous communities being specifically targeted. During the present reporting period, information received indicate multiple instances of assassination, attempted assassination, harassment, threats and the arbitrary arrest and detention of leaders of indigenous and rural communities, which appear to amount to a tactic used throughout the region to quell demands by those communities for respect of their human rights. The use of laws, policies, discourse and actions that explicitly and implicitly protect business interests, both legal and illegal, at the expense of human rights continues to prove a substantial challenge defying States in the region.

109. The communications sent in the current reporting period also raise concerns of growing risks faced by defenders of rights of lesbian, gay, bisexual, transgender and intersex (LGBTI)-persons, as well as civil society associations. During the current reporting period, such groups have been seen to be subjected to multifaceted forms of harassment, among which their stigmatization by government officials raise grave concern. Violent acts of retaliation against defenders of LGBTI rights in the region have sharply emerged during the present reporting period as an issue demanding immediate and intense consideration by governments of the region. Defenders of LGBTI rights, as well as defenders within the LGBTI community itself, are facing serious challenges in many countries of the region, in the undertaking of their legitimate human rights work, with women LGBTI rights defenders and transsexual defenders highlighted by the Inter-American Commission of Human Rights as facing the gravest risk. Challenges faced by LGBTI defenders have included assassinations, threats, surveillance, violent attacks, public stigmatization by state authorities, and restrictions on their exercise of freedom of association and peaceful

assembly. In order to halt the pattern of violent attacks on LGBTI rights defenders, States must initiate dialogue with the defenders in order to fully understand the threats they face and formulate plans for their better protection.

110. A further issue of concern, which has proved to be a challenge in many regions, are restrictions on the right to freedom of peaceful assembly. Such restrictions are not only on-going, widespread and inordinate, but are becoming more intricate and sophisticated. Restrictions are carried out through legislative and administrative means, as well as through intimidation and harassment of peaceful protestors, often by state security and police forces, including physical attacks against defenders and their arbitrary arrest and detention.

111. In a regional consultation organised by the Special Rapporteur with defenders from the region in January 2015, the above issues were raised by defenders from several countries. Defenders also raised particular concerns over growing stigmatisation of defenders, human rights organisations, and human rights work in general, in which human rights activities are associated with terrorism and the destabilization of State; accused of being manipulated by foreign interests and financial incentives; and branded anti-development or extremist. It was noted by defenders that this stigmatisation is being carried out by State authorities as well as private actors, mostly business enterprises, in total impunity and without adequate governmental response. The Special Rapporteur urges States of the region to embrace the important and legitimate role of human rights defenders within society, and to strongly counter any attempts at the de-legitimisation of human rights work, through concrete protective measures and public statements of support for the work of human rights defenders and human rights organisations, as well as increased widespread education as to the essential nature of the role they play in society.

112. PR *22/10/2015*

UN experts urge Latin America and the Caribbean to adopt trend-setting agreement on environmental democracy.

113. PR *26/11/2015*

International Women Human Rights Defenders Day - High time to protect sexual and reproductive rights defenders in the Americas.

Brazil

114. JUA 09/10/2015 Case no: *BRA 7/2015* State reply: *09/12/2015*

Alleged killing, attempted killing, attacks, death threats and harassment against human rights defenders and indigenous leaders of the Guarani-Kaiowá community in Mato Grosso do Sul, Brazil.

115. JAL 28/10/2015 Case no: *BRA 8/2015* State reply: *30/10/2015*

Alleged undue restrictions on the rights of peaceful assembly and association of proposed terrorism legislation.

116. PR *04/11/2015*

Brazil anti-terrorism law too broad, UN experts warn.

117. The Special Rapporteur thanks the Government of Brazil for its response to both communications sent. He appreciates the Government's clarification of detailed points in relation to the matters raised in the communication dated 28 October 2015, in particular concerning the passage of the proposed anti-terrorism legislation through the Brazilian parliament, and encourages the Government to follow through with their stated intention to provide further information, as requested in the communications sent.

118. The Special Rapporteur remains extremely concerned by attacks against human rights defenders from indigenous communities in Brazil, including women human rights

defenders, as well as attacks on land rights and environmental defenders. The Special Rapporteur welcomes the current investigation being conducted by the Federal Police into the death of Mr. Semião Fernandes Vilhalva. However, he regrets that often serious crimes are committed against human rights defenders with impunity.

119. The Special Rapporteur expresses concern that acts of harassment of the Guarani-Kaiowá indigenous peoples appear to be ongoing. Subsequent to the sending of the communication dated 9 October 2015, the Special Rapporteur received further allegations of the possible revocation of the licence to practice of a lawyer from a different indigenous community, reportedly on the basis of unfounded allegations of encouraging the occupation of disputed lands. Information has also been received concerning the attempted illegal arrest of a defender from the community, in response to acts of peaceful protest. The Special Rapporteur urges the Government to take action to end physical and judicial attacks against members of the indigenous community, and defenders advocating for the respect of the rights of its members.

120. The Special Rapporteur welcomes the decision to suspend two eviction orders on 21 October 2015 concerning the territories of Tekoha Ñanderu Marangatu and Tekoha Guayviry, and also the decision of the Supreme Federal Tribunal in January 2016 to suspend the eviction order in Tey'i Jusu. However, he expresses heightened concern over growing reports of attacks on indigenous communities, on persons living in rural areas and individual defenders, in relation to forced evictions and land disputes.

121. The Special Rapporteur remains concerned at the potential misuse of anti-terrorism legislation to curb the freedoms of peaceful assembly and association, and the legitimate and peaceful work of human rights defenders. He expresses concern that, if adopted, the definition of terrorism included in draft law N° 101/2015, formerly draft law N° 2.016/2015, may be interpreted to include elements of the work of civil society organisations and human rights defenders, especially given the proposed removal of legislative safeguards around political demonstrations, peaceful protest, social movements and trade union activities. The draft law was approved by the Brazilian Senate on 28 October 2015, and has since been referred to the Chamber of Deputies, where it remains, for further consideration. Whilst acknowledging that the draft law is yet to be placed on the statute book and may still face amendment, the Special Rapporteur would like to refer the Government to Human Rights Council resolution 22/6, which urges States to ensure that legislation designed to guarantee public safety and public order contains clearly defined provisions consistent with international human rights law and that it is not used to impede or restrict the exercise of any human right, and to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights.

Canada

122. JAL 27/04/2015 Case no: *CAN 1/2015* State reply: *28/04/2015 (A)*

Allegations concerning the non-compatibility of Bill C-51, also known as Anti-Terrorist Act, 2015, with international human rights law and standards, particularly as set forth in the International Covenant on Civil and Political Rights.

123. The Special Rapporteur thanks the Government for their acknowledgement of receipt of the joint allegation letter sent on 27 April 2015, but regrets that no further response has been received. As such, the Special Rapporteur encourages the Government to fully engage with the mandate.

124. The Anti-Terrorism Act 2015, otherwise known as Bill C-51, received royal assent and was passed into law on 18 June 2015. The Special Rapporteur regrets this development out of concern that the Act appeared to include provisions which undermine fundamental

freedoms within the country, and which may be used to persecute defenders in their legitimate and peaceful human rights work. The Special Rapporteur is concerned that the Bill's enactment of the Security of Canada Information Sharing Act allows for human rights advocacy to be considered 'activity that undermines the security of Canada', and thus provides for the subjection of human rights defenders to arbitrary violations of their privacy. He expresses concern that the Act's involvement of the Secure Air Travel Act may allow for human rights defenders to be added to 'no-fly' lists, subsequent to which they would bear the burden of proof in showing that they do not pose a threat to public safety. He expresses further concern that the Act's reform of the Criminal Code regarding crimes related to terrorism provides a definition of the "offence of promoting terrorism" that is vague and open to arbitrary interpretation, and thus implements undue limitations on freedom of expression and the work of human rights defenders such as bloggers and journalists. As such, the Special Rapporteur welcomes reports indicating that proposed amendments to the Act are under consideration by the newly elected Canadian Government, and urges any changes to the Act to be made in view of the above-listed concerns and in consultation with civil society and human rights defenders.

Chile

125. JAL 08/07/2015 Case no: *CHL 2/2015* State reply: *12/10/2015*

Presunta solicitud de remoción de la directora del Instituto Nacional de Derechos Humanos (INDH) y críticas públicas hechas hacia este instituto debido a la publicación de un informe sobre derechos humanos para estudiantes, en el que se critica el accionar de Carabineros en el manejo de las protestas en 2011.

126. El Relator Especial agradece al Gobierno la respuesta a la comunicación enviada durante el periodo del presente informe que incluye información detallada sobre la gestión de la solicitud de remoción contra la Sra. Lorena Fries Monleón, Directora del Instituto Nacional de Derechos Humanos (INDH) y el papel concebido para el INDH en el desarrollo de un sistema coherente de protección de derechos humanos en el país. En particular, el Relator Especial agradece el reconocimiento del trabajo legítimo e importante del INDH y la información sobre el plan de instrucción y respecto a los derechos humanos generado por los Carabineros de Chile, y la sistematización de dicho plan.

Colombia

127. JUA 18/05/2015 Case no: *COL 1/2015* State reply: *19/10/2015*

Presuntos actos intimidatorios y de hostigamiento contra la Sra. Rocío Campos Pérez, integrante del Movimiento Nacional de Víctimas de Crímenes de Estado (MOVICE) y del Colectivo 16 de mayo.

128. JUA 25/06/2015 Case no: *COL 3/2015* State reply: *25/08/2015*, *18/09/2015*

Presuntas amenazas y agresiones contra testigos en dos casos de desaparición forzada y una abogada, miembro de una organización de derechos humanos.

129. JUA 20/08/2015 Case no: *COL 4/2015* State reply: *25/09/2015*

Presuntos actos de intimidación y amenazas de muerte contra el Sr. Germán Graciano Posso, defensor de derechos humanos.

130. El Relator Especial agradece al Gobierno las respuestas proporcionadas a las comunicaciones enviadas durante el período del presente informe. Sin embargo, lamenta que la información proporcionada en la respuesta a la comunicación enviada el 18 de mayo

de 2015 sea limitada a la confirmación de una investigación acerca de presuntos actos de intimidación y de hostigamiento de integrantes de la organización no gubernamental Movimiento Nacional de Víctimas de Crímenes de Estado (MOVICE). El Relator Especial invita al Gobierno a proporcionar mayor información sobre el desarrollo de dicha investigación en la mayor brevedad posible.

131. El Relator Especial expresa profunda preocupación por la integridad física y psicológica de los miembros del MOVICE, incluyendo la Sra. Rocío Campos Pérez, quien fue objeto de la comunicación enviada el 18 de mayo de 2015. Desde el envío de dicha comunicación, el Relator Especial sigue recibiendo nueva información preocupante acerca de agresiones y amenazas contra miembros del MOVICE en diferentes partes del país, que incluyen el asesinato de un miembro de la organización, así como persecución, hostigamiento y amenazas contra otros. El Relator Especial expresa preocupación por la impunidad constante que prevalece en casos de hostigamiento y ataques contra miembros del MOVICE, supuestamente perpetrados por parte de grupos armados ilegales.

132. El Relator Especial agradece el Gobierno por la información proporcionada en relación con el caso de presuntas amenazas y agresiones sufridas por Andrea Torres Bautista, abogada y miembro de una organización de derechos humanos, y Jacqueline Ramírez y Luis Carlos Ramírez, testigos en dos casos de desaparición forzada. El Relator invita el Gobierno a proporcionar mayor información sobre el avance de la investigación de los casos, y reitera su preocupación por las alegaciones que estas amenazas y agresiones estarían relacionadas con las actividades de promoción y protección de los derechos humanos y en particular los procesos de justicia y reparación de víctimas. Es la responsabilidad del Estado de adoptar medidas para asegurar que todos los que participen en investigaciones de casos de desaparición forzada, incluidos el denunciante, el abogado, los testigos y los que realizan la investigación, estén protegidos de todo maltrato, todo acto de intimidación o de represalia y que, de producirse, dichos actos sean castigados como corresponda.

133. El Relator Especial expresa profunda preocupación por la situación enfrentada por los y las defensores y defensoras de derechos humanos en la Comunidad de Paz de San José de Apartadó, en particular el Sr. Germán Graciano Posso, quien fue objeto de la comunicación enviada el 20 de agosto de 2015. En el contexto de un gran nombre de asesinatos de miembros de la comunidad, y amenazas constantes en su contra, el Relator Especial teme por la seguridad de los miembros de la comunidad, debido al incremento de riesgo corrido por líderes de la comunidad y sus representantes legales. En este sentido, el Relator Especial lamenta esta situación y expresa su descontento en relación con un discurso hecho por un representante del Gobierno del Estado en el 2013, el cual ha sido proporcionado como respuesta del Gobierno a la comunicación sobre este caso. El Relator Especial espera poder contar con recibir información acerca del avance de la investigación sobre los actos de intimidación y amenazas de muerte que habría sufrido el Sr. Graciano Posso.

134. Durante el periodo del presente informe, el Relator Especial ha recibido con inquietud informaciones sobre los serios desafíos enfrentados por las y los defensores que trabajan sobre temas relacionados con el derecho a la tierra y a la consulta previa de los pueblos indígenas y afrodescendientes. Según las informaciones recibidas, dichos defensores y defensoras estarían enfrentando riesgos específicos por ejercer su trabajo de forma legítima. El Relator Especial insta al Gobierno a tomar acción para asegurar que pueden seguir desarrollando sus actividades sin temor de sufrir represalia de ninguna índole, y en particular, sin estigmatizaciones por parte de funcionarios del Estado.

135. El Relator Especial, reitera su preocupación por el grado de impunidad que prevalece en los casos de ataques y violaciones perpetradas en contra de defensoras y defensores en Colombia. Esta preocupación fue expresada en el reporte del año pasado y la realidad de las y los defensores sigue siendo igual de difícil, sino peor. La lucha contra la impunidad es esencial para combatir y prevenir las violaciones de los derechos de los

defensores y las defensoras. Es crucial que el Gobierno de Colombia reconozca su responsabilidad en fomentar un clima seguro y favorable para las y los defensores de los derechos humanos.

Dominican Republic

136. JUA 30/04/2015 Case no: *DOM 1/2015* State reply: none to date

Alegaciones de amenazas de muerte contra varios periodistas por cubrir noticias en relación con la situación de ciudadanos de ascendencia haitiana en la República Dominicana.

137. El Relator Especial lamenta que, al momento de finalizar este informe, no se haya recibido respuesta a la comunicación enviada al Gobierno durante el período del presente informe.

13º. El Relator Especial expresa grave preocupación por las amenazas recibidas por la periodista Amelia Deschamps y los periodistas Juan Bolívar Díaz, Luis Eduardo Lora Iglesias y Roberto Cavada, quienes han regularmente publicado y difundido información y noticias para promover los derechos de los ciudadanos de ascendencia haitiana en la República Dominicana. Se expresa preocupación en particular por el efecto disuasivo que pueda tener estas amenazas sobre el ejercicio legítimo del derecho a la libertad de expresión y sobre otros periodistas y defensores de derechos humanos en el país.

Ecuador

139. JUA 02/12/2014 Case no: *ECU 3/2014* State reply: *02/07/2015*

Alegaciones sobre secuestro, amenazas y una campaña de desprestigio contra Sra. Diane Maria Rodríguez Zambrano, una defensora de los derechos de las personas LGBTI.

140. JUA 26/01/2015 Case no: *ECU 1/2015* State reply: *02/07/2015*

Alegaciones sobre el desalojo repentino e injustificado de la Confederación de Nacionalidades Indígenas del Ecuador (CONAIE) de un contrato de comodato por parte del Ministerio de Asuntos Económicos y Sociales (MIES).

141. JAL 09/07/2015 Case no: *ECU 4/2015* State reply: *08/10/2015*

Presunta advertencia de disolución de la Fundación Andina para la Observación y Estudio de Medios, Fundamedios, en aplicación del Decreto Ejecutivo No. 16.

142. PR *17/09/2015*

UN and IACHR experts condemn moves to dissolve prominent organisation

143. El Relator Especial agradece al Gobierno las respuestas recibidas a todas las comunicaciones enviadas durante el período del presente informe.

144. El Relator Especial expresa preocupación por las alegaciones sobre actos de hostigamiento contra la defensora de derechos humanos LGBTI, la Sra. Diane Maria Rodríguez Zambrano, fundadora y presidenta de la Asociación Silueta X. El hostigamiento que habría sufrido la Sra. Rodríguez Zambrano, que habría empezado en 2012, es un ejemplo de los riesgos multifacéticos enfrentados por las y los defensores que trabajan por el avance de los derechos LGBTI en el país. El Relator Especial recibe con apreciación las informaciones proporcionadas acerca de los esfuerzos del Sistema Nacional de Protección y Atención a Víctimas, y Testigos de la Fiscalía General del Estado, sobre la protección brindada a la Sra. Rodríguez Zambrano, y espera que estas medidas puedan contribuir a

mejorar la situación de la Sra. Rodríguez Zambrano, para que pueda continuar desarrollando su trabajo legítimo en la defensa de los derechos humanos.

145. El Relator Especial expresa su preocupación por el proceso que fue iniciado por el Ministerio de Inclusión Económica y Social (MIES) para desalojar la sede de la Confederación de Nacionalidades Indígenas del Ecuador (CONAIE), en Quito. Según noticias de prensa emitidas después del envío de la comunicación acerca de dicha acción, el proceso de desalojo habría sido suspendido por el MIES en junio de 2015. Sin embargo, el Relator Especial quisiera reiterar su preocupación que el proceso iniciado contra el CONAIE, estaría relacionado con su trabajo legitimo en la protección y la promoción de los derechos de los pueblos indígenas en Ecuador, y en particular su oposición a reformas legislativas en relación con el derecho a la tierra y al agua.

146. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación conjunta enviada el 9 de julio de 2015 sobre la presunta advertencia de disolución de la Fundación Andina para la Observación y Estudios de Medios (Fundamedios) y toma nota de la información que la Secretaría Nacional de Comunicación ha decidido suspender el proceso de disolución bajo una advertencia. El Relator ha recibido con preocupación la información sobre ataques cibernéticos contra la página de Fundamedios, y agresiones repetidos contra medios y periodistas en el país, que se enmarcarían en un espacio cada vez más restringido para la libertad de prensa, la libertad de expresión y opinión y el trabajo de los defensores de derechos humanos.

147. El Relator Especial ha recientemente recibido con preocupación información que destacaría una criminalización de la protesta social y el trabajo de defensores y defensoras de derechos humanos frente a proyectos extractivos en el país. Según la información recibida, el Relator identifica un patrón recurrente que incluiría actos de hostigamiento judicial contra líderes de comunidades rurales e indígenas que han organizado protestas para visibilizar los efectos negativos sobre derechos humanos, en particular los derechos medioambientales e indígenas, que tendrán estas actividades de explotación y extracción de empresas mineras. Sin implicar, de antemano, una conclusión sobre dichas alegaciones, el Relator Especial quisiera llamar la atención del Gobierno de Ecuador sobre sus responsabilidades en la promoción y protección de todos los derechos humanos, incluyendo el derecho a la reunión pacífica y el derecho a la libertad de expresión.

148. En cuanto a las numerosas alegaciones recibidas por el Relator Especial durante el período del presente informe acerca de agresiones contra mujeres defensoras de derechos humanos, tales como agresiones físicas, detenciones arbitrarias, y actos de estigmatización por parte de funcionarios del Gobierno, el Relator Especial quisiera recordar al Gobierno que debido los riesgos que enfrentan específicamente las mujeres defensoras de derechos humanos, los Estados deben desarrollar mayores esfuerzos y adoptar medidas específicas y diferenciales para asegurar la plena protección de las mujeres para que puedan desarrollar sus actividades legítimas en la promoción de los derechos humanos.

El Salvador

149. JAL 28/05/2015 Case no: *SLV 2/2015* State reply: *27/07/2015*; *11/08/2015*

Alegaciones sobre el asesinato del Sr. Israel Antonio Quintanilla y de su hijo el Sr. Carlos Alberto Quintanilla Zavalla, dos defensores de los derechos de las personas con discapacidad en El Salvador.

150. El Relator Especial expresa grave preocupación por los asesinatos del Sr. Israel Antonio Quintanilla, defensor de derechos humanos y ex-presidente de la Asociación de Lisiados de Guerra (ALGES), y su hijo, el Sr. Carlos Alberto Quintanililla Zavalla. El Relator reitera su preocupación por las alegaciones que indican que que estos asesinatos estarían directamente relacionados con el trabajo legítimo del Sr. Quintanilla en el avance

de derechos humanos en el país. El Relator Especial agradece el Gobierno y la Procuraduría para la Defensa de los Derechos Humanos por las repuestas a la comunicación enviada durante el período del presente informe en relación con dichos asesinatos. En particular, el Relator Especial quisiera agradecer la Procuraduría para la Defensa de los Derechos Humanos, por la información detallada acerca del avance de la investigación del caso, que según dicha información no ha sido conclusiva por el momento, y por recalcar la importancia del trabajo de defensores de derechos humanos, y por las recomendaciones emitidas al Estado de El Salvador para el fortalecimiento de la promoción y la protección de los derechos humanos, de la democracia y del Estado de Derecho, El Relator reitera la obligación del Gobierno de El Salvador a identificar los responsables de los asesinatos, a luchar contra la impunidad en casos de agresiones, amenazas y asesinatos de defensores de derechos humanos y establecer una protección en favor de las y los defensores de derechos humanos en El Salvador.

151. El Relator Especial también quisiera expresar su preocupación en relación con la información recibida que indicaría un aumento del riesgo enfrentado por las y los defensores que trabajan en la defensa de los derechos medioambientales en el país, en particular en relación con el derecho al agua y a la tierra. Según las informaciones recibidas, defensores de derechos humanos, incluyendo mujeres defensoras de derechos humanos, están sufriendo hostigamiento constante, estigmatización en los medios de comunicación, amenazas y otros actos de intimidación en su contra.

Guatemala

152. JOL 22/12/2014 Case no: *GTM 8/2014* State reply: *26/12/2015 (A); 15/01/2015*

Alegaciones sobre la posible aplicación de una amnistía por los delitos de genocidio y crímenes de lesa humanidad, retrasos en el proceso judicial y alegaciones relativas a la falta de garantías de imparcialidad e independencia en la selección de magistrados de la Corte Suprema y salas de apelaciones.

153. UA 26/06/2015 Case no: *GTM 2/2015* State reply: *17/09/2015*

Alegaciones relativas a amenazas de muerte e intimidaciones en contra de defensor de los derechos humanos, Sr. Amílcar de Jesús Pop Ac.

154. JAL 25/11/2015 Case no: *GTM 4/2015* State reply: none to date

Presuntas violaciones de varios derechos humanos de al menos 12.000 personas que viven en 14 comunidades en el departamento de El Petén, Guatemala, debido a la contaminación del río La Pasión y alegaciones sobre un asesinato, retenciones ilegales, amenazas y hostigamiento en contra de defensores de derechos humanos que denuncian esta situación.

155. El Relator Especial agradece al Gobierno las respuestas a dos de las comunicaciones enviadas durante el período del presente informe, y espera recibir una repuesta a la comunicación enviada el 25 de noviembre lo antes posible.

156. El Relator Especial quisiera reiterar su preocupación por la dilación del juicio por genocidio y crímenes de lesa humanidad que se adelanta en contra del ex Jefe del Estado, José Efraín Ríos Montt, y del ex Jefe de Inteligencia Militar, Sr. Rodríguez Sánchez, y por la incertidumbre causada en relación con el derecho a la verdad y la justicia de las víctimas, en particular dada la anulación y posterior reinicio del juicio penal, la posible aplicación del Decreto 8-86 por ende de una amnistía amplia en las acusaciones de genocidio y crímenes de lesa humanidad y las alegaciones relacionadas con irregularidades en el proceso de selección de los magistrados de la Corte Suprema de Justicia y los Jueces de salas de apelaciones. El Relator expresa su preocupación ante el desgaste y la denegación de justicia a las víctimas y sus familias como consecuencia de los reiterados retrasos del juicio. El

Relator solicita la protección de todas aquellas personas que trabajan en las investigaciones en defensa de este proceso judicial, así como en los demás procesos relacionados con violaciones graves cometidas durante el conflicto armado interno en Guatemala.

157. El Relator Especial expresa preocupación por la situación de las 14 comunidades del departamento de El Petén, que han sido afectadas por la contaminación del río La Pasión, así como por los presuntos actos de hostigamiento contra defensores medioambientales que han denunciado pública y legalmente la responsabilidad de la empresa de aceite de palma, REPSA, en la contaminación del río. El Relator expresa seria preocupación por las agresiones, amenazas y hostigamientos sufridos por varios activistas, incluyendo el asesinato de un defensor de derechos medioambientales, Sr. Rigoberto Lima, y la retención arbitraria de los activistas laborales Sres. Hermelindo Asig, Lorenzo Pérez, Manuel Pérez, Salomón Tzul Pa y Ernestina Chub por empleados de la empresa REPSA. Se expresa grave preocupación por la integridad física de los defensores y las defensoras de derechos humanos Mauricio Tox Coy, Domigo Choc, Ramiro Antonio Hernández Sagastume, Saul Paau, Doralina Antonieta Camorlinga Rivera, Lilian Alciia Moro Salazar, María Margarita Ibañe y Marco Antonio Mateo Tórrez, quienes estarían en una grave situación de riesgo.

158. El Relator Especial agradece al Gobierno la respuesta recibida al llamamiento urgente enviado el 26 de junio de 2015, que aporta información detallada sobre la investigación de las supuestas amenazas de muerte e intimidaciones recibidas por el Sr. Amílcar de Jesús Pop Ac. El Relator agradece la información sobre las medidas de protección brindadas y la disposición expresada por el Estado de Guatemala de acogerse a los estándares de protección del Sistema Interamericano de Derechos Humanos y de los mecanismos de Naciones Unidas. Sin embargo, el Relator reitera su preocupación por la vida y la seguridad del Sr. Amílcar de Jesús Pop Ac así como la de otros defensores y defensoras de derechos humanos en el país. El Relator Especial expresa grave preocupación acerca de la información recibida regularmente durante el período del presente informe, que alega numerosas violaciones contra defensores y defensoras de derechos humanos. Estas incluyen alegaciones graves tales como detenciones arbitrarias de defensores y defensoras, criminalización de su trabajo, y en los peores casos, asesinatos de defensores y defensoras y miembros de sus familias. Estas situaciones revelan la continuidad de un patrón de hostigamiento en contra de este grupo específico y de un aumento del riesgo enfrentado por las y los defensores que trabajan en temas de medioambiente, el derecho a la tierra, los proyectos extractivos, y la exposición de corrupción al interior de los organismos estatales. El Relator reitera la responsabilidad del Gobierno de Guatemala de adelantar investigaciones de forma pronta e independiente, y luchar contra la impunidad en estos casos, recalcando la obligación del Estado a nivel central y local de garantizar la seguridad de los defensores y defensoras de derechos humanos y de crear un clima seguro y favorable para las y los defensores de los derechos humanos.

Honduras

159. JAL 09/12/2014 *Case no: HND 8/2014* *State reply: 17/03/2015*

Presuntas alegaciones sobre robo en las oficinas de una organización de promoción de los derechos de las personas LGBTI, Asociación para una Vida Mejor (APUVIMEH).

160. JAL 05/05/2014 Case no: *HND 1/2015* State reply: none to date

Alegaciones sobre declaraciones difamatorias contra una organización de derechos humanos, Plataforma EPU.

161. JUA 31/08//2015 Case no: *HND 2/2015* State reply: none to date

Presuntas amenazas e intento de homicidio contra la Sra. Elizabeth Zúñiga periodista, sindicalista y defensora de derechos humanos.

162. JAL 11/11//2015 Case no: *HND 3/2015* State reply: none to date

Alegaciones sobre muertes violentas y ataques contra defensores y defensoras de los derechos de las personas LGBTI.

163. El Relator Especial agradece al Gobierno las repuestas recibidas a dos de las comunicaciones enviadas durante el período del presente informe. Sin embargo, lamenta que, en el momento de finalizar este informe, no se haya recibido respuesta a tres de las comunicaciones enviadas durante el período del presente informe. El Relator Especial solicita al Gobierno de Honduras de cooperar plenamente con los Procedimientos Especiales. El Relator Especial insta a las autoridades a considerar las comunicaciones enviadas desde esta relatoría y responderlas en la mayor brevedad posible, considerando la especial gravedad de las alegaciones.

164. El Relator Especial expresa honda preocupación sobre los presuntos actos de represalias contra las y los defensores de derechos humanos que participaron en el segundo Examen Periódico Universal (EPU) del Estado de Honduras el 8 de mayo de 2015. El Relator Especial está profundamente preocupado que tales acciones, presuntamente perpetradas por funcionarios públicos del más alto nivel, demuestra un menosprecio del papel fundamental que juegan las y los defensores de derechos humanos en la promoción y la protección de derechos humanos y el proceso del EPU. El relator quisiera hacer referencia à la resolución 24/24 del Consejo de Derechos Humanos que insta a los Estados a asegurar una protección adecuada de todo acto de intimidación o represalia por colaborar con las Naciones Unidas, sus mecanismos y sus representantes, incluyendo mecanismos regionales, en la esfera de derechos humanos. Esta resolución también insta a los Estados a garantizar la rendición de cuentas por cualquier acto de represalia. El Relator expresa también preocupación que otros actos de hostigamiento, como el lanzamiento de una campaña de desprestigio contra dichos defensores y defensoras a través de comunicaciones oficiales, declaraciones públicas, y en medios de comunicación del Estado, puedan aumentar el riesgo enfrentado por las y los defensores en el desarrollo de su trabajo legítimo. Esta situación alimenta un contexto generalizado de inseguridad y violencia contra miembros de asociaciones y defensores y defensoras de derechos humanos en Honduras. El Relator Especial recalca la función importante que desempeñan las organizaciones no gubernamentales en el marco del EPU, creado por la Resolución 16/21 del Consejo de Derechos Humanos.

165. El Relator Especial expresa su preocupación por las amenazas de muerte y el atentado contra la vida de la periodista, sindicalista y defensora de derechos humanos, la Sra. Elizabeth Zúñiga, actos que estarían directamente vinculados con su colaboración en investigaciones sobre violaciones de derechos humanos en el país. El Relator Especial expresa profunda preocupación por la integridad física de los defensores y defensoras de derechos humanos trabajando en Honduras dado las informaciones recibidas de manera recurrente alegando actos de intimidación y hostigamiento, amenazas, incluyendo amenazas de muerte y agresiones físicas en su contra. El Relator Especial expresa preocupación en particular por la seguridad et integridad de las y los defensores que trabajan en las áreas rurales, y de quienes luchan por los derechos de los pueblos indígenas y el derecho a la tierra, en el contexto de procesos extractivos implicando grandes empresas o multinacionales, que cuentan con el acuerdo de las autoridades hondureñas.

166. El Relator Especial expresa su profunda preocupación por la situación que enfrentan las y los defensores de los derechos de las personas LGBTI, como ha sido destacado en dos comunicaciones en el período del presente informe. El Relator Especial agradece al Gobierno por su respuesta detallada sobre las medidas de protección otorgadas a los miembros de la Asociación para una Vida Mejor (APUVIMEH). Lamenta sin embargo que las medidas provistas no hayan sido suficientes para brindar una protección adecuada a los miembros de la organización, y que estas medidas no se hayan aplicado a otras organizaciones que trabajan en la protección y promoción de los derechos de las personas LGBTI, que están también en situación de alto riesgo. Igualmente expresa preocupación

por la agresión sufrida por el abogado y defensor de derechos humanos, el Sr. Francisco Mencia, asesor legal de la APUVIMEH. El Relator Especial lamenta profundamente los asesinatos violentos de las y los defensores de derechos de las personas LGBTI, el Sr. Juan Carlos Luiz Andara, y las Sras. Angy Ferreira y Violeta Rivas. El Relator agradece el Gobierno por su respuesta detallada en relación con la comunicación enviada el 11 de noviembre, proporcionando información sobre el avance de la investigación de estos asesinatos. El Relator toma nota de los avances señalados en las investigaciones de estos casos de asesinatos, y en particular las investigaciones de los asesinatos de personas LGBTI. El Relator aprecie el reconocimiento del Gobierno de los retos importantes que todavía existen para una mejor protección para defensores y defensoras de los derechos humanos, en particular los que trabajan en la promoción y la protección de los derechos de las personas LGBTI. El Relator toma nota de necesidad expresada por parte del Estado de una mejor protección a través de una reglamentación de la Ley de Protección para las y los Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia, también a través de un fortalecimiento de la implementación de las medidas cautelares y la necesidad de mejorar la situación de los derechos humanos, en particular para las personas LGBTI. El Relator Especial había identificado en su reporte del año pasado un patrón de ataques, actos de intimidación y hostigamiento en contra de defensores trabajando por los derechos de las personas LGBTI, y el contexto de creciente violencia e inseguridad para las personas LGBTI en Honduras., Lamenta que la situación siga siendo igualmente de preocupante e insta al Gobierno de incrementar sus esfuerzos para mejorar esta situación y asegurar que los defensores que trabajan para los derechos LGBTI pueden trabajar en un clima seguro sin miedo a sufrir actos de intimidación, acoso o ataques de cualquier tipo. En particular, el Relator Especial insiste sobre la importancia de conducir investigaciones prontas e independientes sobre estos crímenes gravísimos e insta a las autoridades presentar información sobre las medidas tomadas en este sentido en la mayor brevedad posible.

167. El Relator Especial quisiera expresar su preocupación en relación con la información recibida sobre el alto nivel de riesgo que corren las y los defensores de los derechos económicos, sociales y culturales en el país. El Relator Especial quisiera recalcar el papel crucial que desempeñan dichos defensores y defensoras en favor de los derechos humanos, revelando problemas fundamentales tales como la corrupción y explotación ilegal de las tierras, y promoviendo los derechos del medio ambiente, la tierra y el territorio.

Mexico

168. JUA 16/12/2014 Case no: *MEX 16/2014* State reply: *30/03/2015*

Presuntos actos de deslegitimación y estigmatización por parte de autoridades del Estado mexicano, en contra de organizaciones de derechos humanos en el Estado de Guerrero, que participan en la investigación de los hechos ocurridos en Iguala el 26 y 27 de septiembre de 2014.

169. JUA 04/03/2015 Case no: *MEX 2/2015* State reply: *08/04/2015*

Alegaciones sobre la detención del Sr. Pedro Celestino Canché Herrera, un periodista y activista social de origen maya.

170. JUA 13/03/2015 Case no: *MEX 3/2015* State reply: *15/05/2015*

15/05/2015 *15/05/2015*

Presunta detención arbitraria, malos tratos y situación de riesgo en detención debido a falta de tratamiento médico adecuado de la Sra. Nestora Salgado García, defensora de derechos humanos y líder de policía comunitaria en el estado de Guerrero

171. JUA 30/04/2015 Case no: *MEX 5/2015* State reply: none to date

Alegaciones sobre presuntos actos intimidatorios contra organizaciones integrantes de la Red Nacional en Defensa de los Derechos Humanos (RENDDH).

172. JAL 22/07/2015 Case no: *MEX 7/2015* State reply: *13/10/2015*

Presuntas amenazas de muerte, vigilancia e intento de secuestro de defensores de los derechos humanos en la región del Istmo de Tehuantepec.

173. JUA 14/08/2015 Case no: *MEX 10/2015* State reply: none to date

Probables impactos causados por el Acueducto Independencia sobre los derechos humanos de 5 comunidades indígenas que constituyen el Pueblo Yaqui y que se encontrarían asentadas a lo largo del río Yaqui.

174. JUA 17/09/2015 Case no: *MEX 11/2015* State reply: none to date

Alegaciones sobre la detención de un abogado, Sr. Eduardo Arturo Mosqueda Sánchez, representante legal de comunidades indígenas en la defensa de sus derechos.

175. JUA 30/11/2015 Case no: *MEX 13/2015* State reply: none to date

Alegaciones sobre la detención arbitraria y malos tratos cometidos en contra de cuatro defensores de derechos humanos, profesores e integrantes de la Sección 22 en Oaxaca.

176. El Relator Especial agradece al Gobierno las respuestas recibidas a tres de las comunicaciones enviadas durante el período del presente informe, sin embargo, lamenta que, al momento de finalizar este informe, no haya recibido respuestas a cuatro de las comunicaciones enviadas.

177. El Relator expresa su preocupación por las agresiones y amenazas que siguen sufriendo personas defensoras de derechos humanos en México. Reconoce que ha habido avances en cuanto a la protección otorgada por el Mecanismo Nacional de Protección a Personas Defensoras y Periodistas, pero que la mayoría de los casos siguen quedando impunes, sin investigaciones efectivas ni sanciones. Políticas públicas en materia de prevención y el fortalecimiento de los órganos que investigan estos delitos son claves para revertir el clima de riesgo en el cual operan las personas defensoras . Asimismo, se requieren políticas públicas focalizadas sobre personas defensoras en situación de desplazamiento interno así como aquellas que aborden el riesgo diferenciado que pueden tener las defensoras de derechos humanos. El Relator agradece al gobierno la respuesta detallada sobre las medidas cautelares otorgadas a las y los defensores través del Mecanismo Nacional de Protección para Personas Defensoras de Derechos Humanos y Periodistas, y reconoce el esfuerzo de las autoridades para brindar asistencia a los defensores. Sin embargo el Relator Especial urge a las autoridades a asegurar un ambiente de seguridad y protección, donde se promuevan y garanticen los derechos a la libertad de expresión y asociación y el trabajo de defensa de los derechos humanos, para las y los defensores, que parecen enfrentar riesgos de forma permanente.

178. El Relator Especial reitera su profunda preocupación sobre la situación que enfrentan las y los defensores en el Estado de Guerrero. Las personas defensoras de derechos humanos que acompañan a las familias de Ayotzinapa en su búsqueda de justicia han enfrentado graves riesgos en el ejercicio de sus actividades legítimas. Ellos y otras personas e organizaciones que participan en las investigaciones relacionadas con el caso han sufrido actos de deslegitimación y estigmatización, algunos de los cuales provendrían de los autoridades. Todo acto para deslegitimar la labor de las y los defensores que trabajan en el país contribuye a incrementar su situación de vulnerabilidad e inseguridad. El Relator Especial pide al Gobierno de contribuir a mejorar la situación de las y los defensores de manera preventiva a través de actos públicos donde el Estado reconozca la importante función social que estos cumplen en la sociedad. El Estado tiene una obligación de respaldar públicamente la legítima labor de las defensoras y defensores.

179. En la misma medida, el Relator Especial expresa preocupación por los actos de hostigamiento e intimidación llevados a cabo en contra de organizaciones, incluyendo los integrantes de la Red Nacional en Defensa de los Derechos Humanos, colectivos y familiares, en un contexto de activismo organizado y manifestaciones pacíficas en el tema de desapariciones en el país.

180. El Relator Especial lamenta las alegaciones relativas a la detención arbitraria de defensores de derechos humanos que resulta de su trabajo pacífico y actividades legítimas. El Relator Especial observa con preocupación que la detención y criminalización arbitraria de defensores y defensoras de derechos humanos sea utilizada como un recurso de los autoridades para disuadirles de continuar sus actividades. En particular, el Relator expresa preocupación por la detención de la Sra. Nestora Salgado García, defensora de derechos humanos, quien, según la información disponible al momento de finalizar este informe, seguiría privada de libertad, en el marco de varios casos judiciales que se alega, conllevarían fallas graves al debido proceso, entre otras irregularidades. No obstante la liberación en mayo 2015 del periodista y activista maya Sr. Pedro Celestino Canché Herrera, se expresa preocupación también por el hecho que su detención en 2014 estaría relacionada con el ejercicio legítimo de su trabajo en la defensa del derecho al agua y por exponer al público actos de corrupción en los organismos del Estado. Según noticias emitidas desde el envío de una comunicación acerca del caso, el Sr. Conché Herrera habría sido liberado en mayo de 2015, aproximadamente nueve meses después de su detención. Asimismo, se expresa preocupación por las alegaciones recientes relacionadas con la detención arbitraria de cuatro activistas de derechos humanos y sindicalistas, los Sres. Juan Carlos Orozco Matus, Othón Nazariega Segura, Efraín Picaso Pérez y Roberto Abel Jiménez, integrantes de la Sección 22 de Oaxaca.

181. El Relator Especial expresa su preocupación por la situación de riesgo enfrentada por las personas defensoras de derechos indígenas en el país que trabajan por la promoción y la protección de derechos como el derecho al agua, los derechos territoriales y el derecho a la tierra, incluyendo el derecho a la consulta previa. El Relator Especial lamenta las alegaciones sobre ataques de diferentes índoles contra líderes de comunidades indígenas organizadas en oposición a su explotación y la violación de sus derechos por parte de grandes empresas, a menudo con la colusión aparente de las autoridades estatales. En particular, el Relator Especial expresa su inquietud por la situación enfrentada por el pueblo indígena Yaqui y líderes y representantes de sus comunidades indígenas, entre los cuales, Mario Luna Romero, Tomás Rojo Valencia y Fernando Jiménez Gutiérrez, que han sufrido amenazas y campañas de desprestigio público, así como hostigamiento y procesos judiciales arbitrarios en el curso de su trabajo en favor del derecho al agua, los derechos medioambientales, y los derechos a la tierra, en el contexto de la construcción de un acueducto en sus territorios. El Relator ha recibido información positiva sobre la liberación de los Sres. Mario Luna Romero y Fernando Jimenez en octubre 2015, y toma nota de la recomendación de la Comisión Nacional de Derechos humanos sobre las violaciones ocurridas en dicho caso.

182. En particular, el Relator Especial expresa profunda preocupación por la integridad del Sr. Eduardo Arturo Mosqueda Sánchez, abogado medioambiental actualmente detenido aparentemente por defender a comunidades indígenas en el Estado de Jalisco. El Relator expresa su seria preocupación por las alegaciones sobre actos de difamación, amenazas de muerte, vigilancia e intento de secuestro en la región del Istmo de Tehuantepec en contra de defensoras y defensores de los derechos humanos y periodistas, incluido miembros de organizaciones de la sociedad civil, en el contexto de consultas para la construcción de parques eólicos.

183. El asesinato, en agosto 2015, del periodista Rubén Espinosa, de la defensora Nadia Vera y tres mujeres en la Ciudad de México generó mucha consternación por la situación de riesgo que enfrentan periodistas y personas defensoras que trabajan en Veracruz. El Relator expresa preocupación por los indicios de grave riesgo que enfrentan los periodistas en el país.

184. En seguimiento a las informaciones enviadas al mandato a través de varias fuentes, el Relator Especial quisiera destacar su preocupación por la situación de los defensores y las defensoras de derechos humanos en el Estado de Chiapas. Según las informaciones recibidas, los defensores y las defensoras trabajando en Chiapas están sufriendo persecución como resultado de su trabajo en la defensa de los derechos humanos. El Relator Especial insta a las autoridades del Estado de asegurar la plena protección de los defensores y las defensoras y en particular a la Fiscalía Especializada de Protección y Atención a los Organismos No Gubernamentales para la Defensa de los Derechos Humanos de investigar exhaustivamente actos delictuales en su contra.

185. El Relator Especial lamenta que, después de varios intercambios por parte de él mismo, y también por parte de su predecesor, el Gobierno ha solicitado que la visita del Relator no se realice durante el año 2016 debida a la cargada agenda de trabajo gubernamental. El Relator espera que una visita se pueda concretar para el 2017.

Nicaragua

186. JAL 23/02/2015 Case no: *NIC 1/2015* State reply: none to date

Alegaciones sobre disolución de asambleas pacíficas con uso excesivo de fuerza, y detención arbitraria de manifestantes acusados de delitos de terrorismo y exposición de personas al peligro, en el marco de protestas pacíficas contra la construcción del canal interoceánico en Nicaragua.

187. JAL 29/05/2015 Case no: *NIC 4/2015* State reply: none to date

Alegaciones sobre presuntas agresiones y deportación arbitraria contra el Sr. Luis Carlos Buob Concha y la Sra. Marta González, dos defensores de derechos humanos, del Centro por la Justicia y el Derecho Internacional (CEJIL) basado en Costa Rica.

188. El Relator Especial lamenta que, al momento de finalizar este informe, no se haya recibido respuesta a ninguna de las comunicaciones enviadas durante el período del presente informe. El Relator Especial solicita al Gobierno del Nicaragua de cooperar plenamente con los Procedimientos Especiales e insta a las autoridades a considerar las comunicaciones enviadas desde esta relatoría y responderlas en la mayor brevedad posible, considerando la seriedad de las alegaciones.

189. El Relator Especial expresa su preocupación ante las alegaciones sobre criminalización de los y las defensores de derechos humanos participando en protestas pacíficas contra la construcción del canal interoceánico en Nicaragua. Son fuente de inquietud las alegaciones sobre varias detenciones arbitrarias, en las cuales los defensores y las defensoras de derechos humanos y activistas pacificos habrían sido privados de libertad, sin respetarse las garantías del debido proceso, en particular sin tener acceso a sus familias o sus representantes legales. Se expresa asimismo preocupación por las alegaciones relativas al uso de violencia por agentes de la policía estatal con el propósito de disolver manifestaciones pacíficas organizadas por grupos opuestos al proyecto de canal interoceánico. El Relator expresa especial preocupación por las alegaciones sobre agresiones y ataques específicos contra líderes del Consejo por la Defensa de la Tierra, Lago y Soberanía, un colectivo de organizaciones opuestas al proyecto. El Relator Especial expresa preocupación por las presuntas agresiones y expulsión del país del Señor Luis Carlos Buob Concha y la Señora Marta González, actos que tendrían relación directa con el ejercicio legítimo de sus derechos, su trabajo en relación con el proyecto de canal interoceánico y la defensa de los derechos humanos en la región.

Peru

190. JOL 30/07/2015 Case no: *PER 2/2015* State reply: none to date

Alegaciones de un entorno reglamentario crecientemente restrictivo para el ejercicio de los derechos de libre expresión y asociación con la adopción de las Resoluciones Directorales Ejecutivas (RDE) No. 085-2015-DE y 097-2015/APCI-DE de la Agencia Peruana de Cooperación Internacional (APCI).

191. JUA 25/08/2015 Case no: *PER 3/2015* State reply: none to date

Presuntos actos de intimidación y amenazas de muerte contra la Sra. Máxima Acuña de Chaupe, defensora de derechos humanos, en relación con su oposición a un proyecto minero.

192. El Relator Especial lamenta que, al momento de finalizar este informe, no haya recibido respuesta a las comunicaciones enviadas al Gobierno durante el período del presente informe.

193. El Relator Especial expresa su preocupación sobre el posible impacto negativo de las Resoluciones Directorales Ejecutivas que modifican los procedimientos en los registros de organizaciones no gubernamentales para el desarrollo y de las entidades e instituciones extranjeras de cooperación internacional, en particular sobre el ejercicio de los derechos de libre expresión y opinión, y la libre asociación. El Relator reitera su preocupación sobre la utilización de consideraciones de transparencia y eficiencia para introducir medidas excesivas que ponen restricciones a los derechos fundamentales y el trabajo legítimo de los defensores de derechos humanos.

194. El Relator Especial expresa su preocupación en relación con las alegaciones sobre actos de intimidación y hostigamiento, incluyendo las amenazas de muerte dirigidas contra la Sra. Máxima Acuña de Chaupe, defensora de derechos humanos y líder de un movimiento de oposición a una mina a cielo abierto de oro y cobre, conocido como la Conga, perteneciente a la empresa minera Yanacocha, S.R.L, en el departamento y la provincia de Cajamarca. Se expresa particular preocupación acerca de las alegaciones que indican que varios actos de intimidación contra la Sra. Acuña de Chaupe habrían sido perpetrados por agentes de la policía estatal. El Relator Especial lamenta las informaciones recibidas sobre la situación enfrentada por los defensores y las defensoras involucrados en la organización de la oposición a dicho proyecto minero. Según las informaciones recibidas las y los defensores estarían enfrentando hostigamiento, así como atentados contra su vida y amenazas.

195. El Relator Especial toma nota de las medidas cautelares que han sido otorgadas en favor de la Sra. Acuña de Chaupe y 45 otros defensores y defensoras de derechos humanos en la región de Cajamarca por la Comisión Interamericana de Derechos Humanos el 5 de mayo de 2014, y urge al Gobierno de Perú a asegurar su completa e inmediata implementación.

United States of America

196. JUA 08/12/2014 Case no: *USA 19/2014* State reply: *16/04/2015*

Allegations concerning the arrest of, and criminal proceedings against, eight human rights defenders demonstrating peacefully against unjustified disconnections of water services in Detroit, Michigan.

197. AL 14/10/2015 Case no: *USA 19/2015* State reply: *02/12/2015*

Criminal charges against privacy rights activist, Mr. Edward Snowden.

198. The Special Rapporteur thanks the Government for the responses received to the two communications sent during the current reporting period.

199. The Special Rapporteur takes note of the Government's response to the communication concerning the arrest and initiation of criminal proceedings against right to water protestors in the city of Detroit. In the absence of further information provided by the

Government as to the development of the proceedings against the nine individuals involved, he further notes recent reports documenting the continuation of these proceedings, as well as water shut-offs throughout the city. The Special Rapporteur would like to reiterate his concern that the prosecution of the nine individuals is a direct response to their peaceful activism and engagement on the matter of the right to water through peaceful assembly. He is concerned that the criminal proceedings continuing against them may have a chilling effect on other individuals in the country that may seek to defend their fundamental rights through the exercise of peaceful assembly and protest. He recalls article 21 of the International Covenant on Civil and Political Rights, which protects the right to peaceful assembly, and to draw attention of the Government once again to the disproportionate effect of water shut-offs against the most vulnerable and impoverished communities and individuals.

200. The Special Rapporteur thanks the government for its response in relation to the case of criminal charges against privacy rights activist, Mr. Edward Snowden, but he remains concerned by the actions of the Government in relation to the case in what appears to be retaliations for Mr. Snowden's actions taken in defence of the right to privacy and freedom of expression. The Special Rapporteur expresses concern for the criminal complaint, revocation of passport and alleged interference by the Government with Mr. Snowden's efforts to seek political asylum in third countries. Particular concern is expressed in relation to the risk of disproportionate prosecution and life imprisonment of Mr. Snowden, if he were to return to the United States. The Special Rapporteur is available for further dialogue with the Government on this important matter.

201. The Special Rapporteur wishes to refer the Government of the United States of America to the recommendations made during the Universal Periodic Review in May 2015, including on repealing the norms that limit freedom of expression and require journalists to reveal their sources, under penalty of imprisonment.

Venezuela (Bolivarian Republic of)

202. JUA 05/01/2015 Case no: *VEN 9/2014* State reply: *05/03/2015*

Presunta detención arbitraria y denegación de asistencia médica al Sr. Marcelo Crovato, detenido en la prisión Yare III ubicada en el Estado de Miranda.

203. JAL 19/02/2015 Case no: *VEN 2/2015* State reply: none to date

Alegaciones sobre comentarios difamatorios contra defensores y defensoras de derechos humanos en Venezuela.

204. JAL 20/02/2015 *Case no: VEN 1/2015* State reply: *22/04/2015; 20/05/2015*

Alegaciones relativas a las disposiciones de la resolución ministerial 008610, que limitarían de forma desproporcionada e innecesaria el ejercicio del derecho a la libertad de reunión pacífica y el derecho a la libertad de expresión.

205. JAL 08/05/2015 Case no: *VEN 5/2015* State reply: none to date

Alegaciones sobre una nueva serie de actos de vigilancia, hostigamiento, intimidación y difamación contra defensores y defensoras de derechos humanos por su participación en sesiones de la Comisión Interamericana de Derechos Humanos.

206. JAL 26/06/2015 Case no: *VEN 7/2015* State reply: *29/09/2015 (A)*

Alegaciones sobre una serie de actos de difamación y hostigamiento contra defensores de derechos humanos por su participación en la sesión del Comité de Derechos Económicos, Sociales y Culturales.

207. JAL 20/07/2015 Case no: *VEN 9/2015* State reply: none to date

Alegaciones sobre actos de intimidación contra defensores de derechos humanos a través de transmisiones del canal estatal Venezolano de Televisión.

208. JUA 20/07/2015 Case no: *VEN 10/2015* State reply: *29/09/2015 (A) 09/12/2015*

Presuntos actos de hostigamiento, intimidación y represalias por parte de autoridades públicas contra defensores del derecho a la salud, incluyendo personal médico-sanitario.

209. JAL 09/11/2015 Case no: *VEN 12/2015* State reply: *25/01/2016*

Alegaciones sobre un robo a mano armada en el domicilio del Sr. Marino Alvarado, un defensor de derechos humanos junto con su hijo, después de comentarios de carácter derogatorio y estigmatizante en contra de su organización de derechos humanos por parte de las autoridades.

210 PR *22/07/2015*

High time to pull the plug on televised reprisals against rights defenders in Venezuela

211. PR *10/11/2015*

IACHR and UN Rapporteur concerned over continued harassment of Lilian Tintori in Venezuela.

212. El Relator Especial agradece al Gobierno las respuestas recibidas a las comunicaciones enviadas durante el período del presente informe, y espera poder recibir respuestas a las comunicaciones a las cuales no ha recibido ninguna información.

213. El Relator Especial lamenta las alegaciones sobre actos de hostigamiento, intimidación, vigilancia e estigmatización contra defensores y defensoras de derechos humanos, que resultarían ser consecuencias de su participación legitima en procesos de la Comisión Interamericana de Derechos Humanos y su cooperación con mecanismos de derechos humanos en las Naciones Unidas. Asimismo, expresa particular preocupación acerca de las informaciones que indicarían que estos actos de represalias habrían sido perpetrados por representantes del Gobierno. El Relator Especial lamenta las declaraciones por parte de representantes del Gobierno al Sr. Francisco Valencia, defensor de los derechos de salud, por su cooperación con las Naciones Unidas, en particular con el Comité de Derechos Económicos, Sociales y Culturales, el cual consideró el tercer informe periódico de Venezuela durante la 55ª sesión celebrada en Ginebra del 1 al 19 de junio de 2015. El Relator Especial toma nota de la respuesta del Gobierno relacionado con el caso del Sr. Valencia. El Relator Especial quisiera recordar al Gobierno la resolución 24/24 del Consejo de Derechos Humanos que insta a los Estados de asegurar una protección adecuada de todo acto de intimidación o represalia por colaborar con las Naciones Unidas, sus mecanismos y sus representantes en la esfera de derechos humanos. El Relator Especial expresa preocupación por estas actuaciones por parte de representantes del Estado y urge a las autoridades a cesar los comentarios derogatorios y los actos de represalias contra defensores y defensoras de derechos humanos. El Relator Especial lamenta el contexto de persistente intimidación en contra de defensores de los derechos humanos por parte de representantes del Gobierno de la República Bolivariana de Venezuela, recalcando la responsabilidad de las autoridades en el resguardo de la seguridad de los ciudadanos y por ende a no poner a los defensores más en riesgo.

214. El Relator Especial expresa profunda preocupación por la situación de los defensores y las defensoras de derechos humanos en el país. El Relator toma nota de la respuesta proporcionada por el Gobierno a la comunicación enviada el 5 de enero de 2015 sobre la situación del defensor de derechos humanos, el Sr. Marcelo Crovato y las alegaciones de detención arbitraria y denegación de atención medical. El Relator también agradece el Gobierno por la respuesta a la comunicación enviada el 9 de noviembre de

2015 sobre el Sr. Marino Alvarado, víctima de un robo a mano armada junto con su hijo. El Relator reitera su preocupación sobre el clima cada vez menos favorable en el que trabajan los defensores de derechos humanos en Venezuela y recalca al Estado su responsabilidad de investigar casos de violaciones, y proporcionar protección para asegurar un clima seguro y favorable para los defensores de los derechos humanos en el país. Además, el Relator Especial lamenta el contexto difícil en el que operan las organizaciones non-gubernamentales y asociaciones de derechos humanos operando en el país, dado alegaciones de violaciones de los derechos de miembros de estos grupos, recibidas por el Relator Especial durante el período del presente informe.

215. El Relator Especial expresa grave preocupación por la adopción de la Resolución 0008610, la cual restringiría de forma significativa las actividades de quienes trabajan en la promoción de los derechos humanos en el país, en particular restringiría de forma indebida el ejercicio de los derechos a asamblea pacífica y a la libertad de expresión, en un clima continúo de tensiones sociales en el país.

ASIA-PACIFIC REGION

216. During the present reporting period, the Special Rapporteur sent 66 communications to countries in the Asia-Pacific region, which accounts for 32% of the total number of communications sent from his mandate. He takes note of the response rate of 40% for the region, which is a decrease in the response rate from the previous reporting period. He urges Governments in the region to fully cooperate with the mandate and looks forward to receiving the outstanding replies shortly.

217. The Special Rapporteur expresses concern at the number of cases concerning arbitrary arrest and detention of human rights defenders, and accusations of their judicial harassment through arduous proceedings of due process. He expresses concern that this trend may highlight systematic attempts to criminalize the legitimate and peaceful activities of human rights defenders. Instances of threats and physical attacks against defenders as a result of their peaceful and legitimate human rights work have also been of worrying prominence during the current reporting period, in particular in the context of peaceful protests and demonstrations. He is also concerned by the numerous cases regarding legislative developments in the region that have the potential undue interference with fundamental human rights, including the freedoms of expression and opinion, association, and education, and a resulting restrictive and damaging impact on the crucial work of human rights defenders.

218. The issue of restrictions on freedom of expression is of particular concern to the Special Rapporteur, in particular the shrinking of digital space and freedoms on the Internet, which has had a profound effect on bloggers and human rights defenders who use social media and the Internet as a platform for the promotion of human rights. Another continued concern, which echoes the situation of freedom of expression, are restrictions being placed on the right to freedom of peaceful assembly, with the trend of excessive police force and action against human rights defenders engaged in peaceful protest.

219. The Special Rapporteur expresses serious concern at the situation of women human rights defenders, human rights lawyers and journalists working on human rights issues in the region. In consultations with human rights defenders from the region which took place in December 2014, concern was raised about specific risks faced by women defenders in the region, including gender-based threats of violence such as rape and sexual violence, and attacks, social denigration, public stigmatization, and for women defenders working on such issues as sexual and reproductive rights, gender equality and challenging dominant gender stereotypes. As such, the Special Rapporteur urges Governments of the region to take immediate steps to ensure the protection of women human rights defenders, including through public recognition of their important role in the development of human rights, and

to take action to provide a safe and enabling environment for them to continue their human rights advocacy.

220. Following the above-mentioned regional consultation, the Special Rapporteur is concerned about reports of increased risks faced by defenders promoting economic, social and cultural rights and those working on environmental issues, including the raising of human rights concerns in relation to large-scale development projects, including mining and other extractive industries. The Special Rapporteur fears that widespread impunity surrounding attacks against defenders in this context may be representative of a movement of Governments in the region away from protecting and supporting defenders, and towards attempts to silencing their voices and curtailing their activities.

Australia

221. JAL 25/02/2015 Case no: *AUS 1/2015* State reply: *24/04/2015*

Allegations of interference with the work and verbal attacks against the President of the Australian Human Rights Commission (AHRC), Professor Gillian Triggs, by Australian Government officials.

222. JAL 12/11/2015 Case no: *AUS 6/2015* State reply: *12/01/2016*

15/01/2016

Allegations of undue restrictions, harassment and acts of intimidation and reprisals against human rights defenders and journalists documenting, and reporting on the situation of asylum seekers held at immigration detention facilities under the control of the Government of Australia.

223. JUA 16/11/2015 Case no: *AUS 7/2015* State reply: *17/12/2015*

Allegations concerning the alleged sexual violence against Ms. Nazanin Bagheri and ill-treatment faced by her and her brother Mr. Omid Bagheri Jebeli in the context of their detention in the Australia Regional Processing Centre in Nauru and their interaction with the Nauru National Police force.

224. The Special Rapporteur would like to thank the Government of Australia for responses received to all the communications send during the present reporting period.

225. The Special Rapporteur notes the Government's response to the communication sent concerning verbal attacks against the President of the Australian Human Rights Commission (AHRC), Ms. Gillian Triggs, demands on Ms. Triggs to resign and funding cuts against the AHRC, allegedly made in response to a report presented by AHRC to the Government on the effects of immigration detention on children. The Special Rapporteur underlines the essential role played by national human rights institutions in the development and advancement of human rights within States, and reiterates that the protection, promotion and strengthening of independent national human rights institutions must be a priority within national human rights policy of States.

226. The Special Rapporteur expresses concern at the allegations of violations perpetrated against human rights defenders detained at immigration detention centres under Australian control in Nauru and Manus Island, as well as the ill-treatment faced by Ms. Nazanin Bagheri and her brother Mr. Omid Bagheri Jebeli. He acknowledges the Government's response to the joint urgent appeals dated 12 and 16 November 2015.

227. The Special Rapporteur would like to thank the Government for accepting his request to visit Australia in the first half of October 2016, and is looking forward to discussing the above and other matters pertaining human rights defenders in the country in a more focused and detailed manner.

Bangladesh

228. JAL 15/07/2015 Case no: BGD 3/2015 State reply: none to date

Allegations relative to judicial proceedings, with no access to appeal procedures, against journalist, Mr. David Bergman, and a group of 23 individuals for exercising their legitimate right to freedom of expression.

229. JUA 12/08/2015 Case no: BGD 5/2015 State reply: none to date

Alleged stigmatization of two human rights non-governmental organizations, Odhikar and the Bangladesh Human Rights Commission (BAMAK) by the police, and possible threats against a human rights defender, Mr. Adilur Rahman Khan, his relatives and colleagues.

230. JAL 02/10/2015 Case no: BGD 6/2015 State reply: 06/10/2015 (A)

Alleged acts of harassment and intimidation against human rights defenders, and against relatives of victims of enforced disappearances and against a group of non-governmental organizations.

231. The Special Rapporteur thanks the Government for its acknowledgement to one of the three communications sent during the reporting period, however he encourages more detailed and substantive responses to the remaining communications.

232. The Special Rapporteur expresses concern at the decision of the International Crimes Tribunal to open criminal proceedings against and sentence Mr. David Bergman for the publication in his blog of articles critical of the functioning of the International Crimes Tribunal. The Special Rapporteur reminds the Government of Bangladesh that restrictions to the right to freedom of expression must be applied strictly and exceptionally, must be provided for by law and must conform to the strict tests of necessity and proportionality. Legislation must be crafted with care to ensure that possible restrictions comply with these standards and that they do not serve, in practice, to stifle freedom of expression. The Special Rapporteur welcomes the exoneration of 22 people on contempt of court charges brought by the ICT for a statement made in support of Mr. David Bergman; however he expresses concern at the sentence of Mr Zafrullah Chowdhury on the same charges.

233. The Special Rapporteur expresses his concern in relation to information received to the use of the Information and Communication Technology Act to curtail the freedom of opinion and expression of bloggers and human rights defenders and would like to underline that the criminalization of the work of human rights defenders greatly weakens the human rights protection within the country. Where it is carried out on the basis of unduly restrictive, vague, and contradictory legislation, not only do the human rights defenders targeted suffer, but potential human rights activists are dissuaded from taking action for fear of facing similar persecution.

234. The Special Rapporteur expresses concern for the situation of human rights defenders and non-governmental organisations working on human rights issues in Bangladesh. The Special Rapporteur fears both Odhikar and the Bangladesh Human Rights Commission were stigmatized due to the legitimate work in the defence of human rights and he is concerned that police targeting may have a negative effect on all organizations monitoring human rights violations in the country, in particular those receiving foreign funding. These acts of intimidation on the part of the police could contribute to stifle reporting on issues of public interest, including on human rights violations, and restrict the legitimate exercise of the right to freedom of expression and opinion and the right to seek, impart and receive information.

235. The Special Rapporteur also expresses concern for the cancelation of a commemorative event in Dhaka on the occasion of the International Day of the Victims of Enforced Disappearances. The cancelation of the event and the intimidation faced by the victims' families appears to be part of a wider effort by Government authorities to silence

the voices of those speaking out against Enforced Disappearances and exercising their legitimate rights to freedom of expression, freedom of peaceful assembly and freedom of association. The Special Rapporteur fears that these measures are an attempt to maintain a climate of impunity for crimes committed by State authorities. The Special Rapporteur is disappointed with the trend by the Government of barring meetings and assemblies of opposition and groups with alternative beliefs; and also engaging the interference of law enforcement agencies in such gatherings. He fears the political situation of the country as a result of the Government's restraint on opposition parties and alternative voices, curtailing the rights to freedom of expression and assembly and the holding of peaceful meetings and rallies. In addition, the Special Rapporteur urges the Government to affirm its commitment to end enforced disappearances and ensure justice for serious human rights violations by ratifying the International Convention for the Protection of All Persons from Enforced Disappearances, adopted by the UN on December 20, 2006.

Cambodia

236. JAL 10/08/2015 Case no: KHM 3.2015 State reply: none to date

Alleged judicial harassment of Mr. Ny Chakrya a Cambodian human rights defender and leader of a human rights organization, Cambodian Human Rights and Development Association (ADHOC).

237. JUA 18/11/2015 Case no: KHM 5.2015 State reply: none to date

Alleged arbitrary arrest and continued detention of four human rights defenders, and the ban imposed on a human rights training session.

238. PR 15.07.2015

"Cambodia's NGO Bill threatens a free and independent civil society" – UN experts urge Senate to reject it.

239. The Special Rapporteur regrets that, at the time of finalising this report, no response was received to the communications sent during the reporting period. He hopes to receive responses to these communications promptly.

240. The Special Rapporteur expresses concern for the judicial action brought against Mr. Ny Chakrya, a human rights defender and legal advocate with the Cambodian Human Rights and Development Association, in the context of his defence of persons arbitrarily arrested and detained in relation to land disputes in the Svay Leu district of the Siem province. According to updates received by the Special Rapporteur subsequent to the sending of the communication on the case, Mr. Chakrya was due to appear in court on 21 October 2015, for the continuation of the hearing of evidence in his case, however the hearing was adjourned. The Special Rapporteur reiterates his concern that the allegations made against Mr. Chakrya of carrying out acts of slanderous denunciation, and the publication of commentaries to put pressure on the judiciary, are based on his legitimate exercise of freedom of opinion and expression, and the result of his legal activism. The Special Rapporteur calls for the allegations against him to be dropped.

241. The Special Rapporteur also expresses concern for the alleged arbitrary arrest and detention of four environmental human rights defenders in Koh Kong Province in August of this year. According to information received subsequent to the sending of the communication on their case, human rights defenders Messers Try Sovikea, Sun Mala, Sim Samnand and Ven Vorn, remain in detention as of the finalizing of this report. These environmental and indigenous rights defenders are all members of the non-governmental organisation Mother Nature. The Special Rapporteur fears that the actions taken against the four human rights defenders are a result of their demands for the respect and protection of rights of indigenous communities affected by illegal sand dredging in the Andoung Toek estuary, in the Koh Kong Province. The same concern is expressed in relation to the case of

the organisation working with indigenous and fishing communities in the Areng valley to help them ensure that their rights are respected in the context of increasing large-scale development projects in the area, as well as defenders working on exposing illegal sand mining.

242. As indicated in the press release issued on Cambodia during the present reporting period, the Special Rapporteur fears that non-governmental organisations working on human rights issues in the State are facing increased harassment and restrictions. In August 2015, the Law on Associations and Non-Governmental Organisations (LANGO) was signed into law by the Prime Minister of Cambodia. The Special Rapporteur fears for the worsening of the situation faced by civil society in Cambodia in light of the enacting of this law.

China

243. JAL 05/12/2014 Case no: *CHN 11/2014* State reply: 11/03/2015[3]

Allegations of the use of violence against, and of arrest, detention and prosecution of hundreds of individuals for participating in or supporting peaceful demonstrations in Hong Kong.

244. JUA 27/01/2015 Case no: *CHN 1/2015* State reply: *30/03/2015*

Alleged arbitrary arrest, incommunicado detention and disappearance of several human rights defenders.

245. JAL 16/04/2015 Case no: *CHN 2/2015* State reply: *21/05/2015*

Allegations relating to a new draft law on overseas Non-Governmental Organizations (NGOs), which presents issues of non-compatibility with international human rights laws and standards.

246. JAL 29/05/2015 Case no: *CHN 4/2015* State reply: none to date

Alleged arbitrary detention and conviction of former journalist, Ms Gao Yu.

247. JUA 11/06/2015 Case no: *CHN 5/2015* State reply: none to date

Alleged arbitrary sentencing of a human rights defender, Mr. Liu Jiacai and the alleged arbitrary detention of a housing rights' activist, Ms. Jia Lingmin.

248. JUA 15/07/2015 Case no: *CHN 6/2015* State reply: 09/10/2015[4]

Alleged arbitrary arrest and detention, in some cases incommunicado, or questioning of more than 140 lawyers and persons associated with their work, as well as unknown fate and whereabouts of 12 of them.

249. JUA 07/08/2015 Case no: *CHN 8/2015* State reply: 02/09/2015[5]

Alleged arbitrary detention and ill-treatment in detention of a human rights defender, Mr. Yang Maodong, also known by the pen name Guo Feixiong.

250. JUA 29/10/2015 Case no: *CHN 10/2015* State reply: 06/01/2016[6]

Alleged arbitrary detention and targeting of human rights defender, Mr. Chen Yunfei and residential surveillance of human rights lawyer, Mr. Sui Muqing.

251. JUA 03/11/2015 Case no: *CHN 12/2015* State reply: none to date

[3] At the time of publishing no translation for this response was available.
[4] At the time of publishing no translation for this response was available.
[5] At the time of publishing no translation for this response was available.
[6] At the time of publishing no translation for this response was available.

Alleged enforced disappearance of two human rights defenders, Mr. Tang Zhishun and Mr. Xing Qingxian, and the 16-year old son of a detained human rights defender.

252. PR *16.07.2015*

"Lawyers need to be protected not harassed" – UN experts urge China to halt detentions

253. The Special Rapporteur thanks the Government for its responses to six of the nine communications sent during the reporting period, noting that some translations were not available at the time of publishing the report. He awaits substantive responses to the communications which remain without replies.

254. The Special Rapporteur raises serious concern for the situation of human rights defenders in China, which, based on the communications sent during the present reporting period as well as further information received during the period, appears to be deteriorating rapidly.

255. The Special Rapporteur fears for the effects of increasing restrictions on the right to freedom of assembly and association for human rights defenders. As such, he regrets the widespread reports of excessive use of force, including the firing of tear gas and the physical assault of individual human rights defenders and students, among others, engaged in peaceful pro-democracy protests in Hong Kong. The Special Rapporteur urges restraint amongst police forces in their supervision of peaceful protests. Further concern is raised by instances of arrest, detention and judicial proceedings, including the sentencing to lengthy prison terms, of human rights defenders for their exercise of their rights to freedom of assembly. In particular, the Special Rapporteur regrets the arrest of Mr. Liu Jiacai on charges of "disrupting public order", and his subsequent sentencing to five years of imprisonment on charges of "inciting subversion of state power", allegedly in relation to his human rights activities. Mr. Jiacai is currently detained in Yichang No.1 Detention Centre. The Special Rapporteur also raises concern for the arrest of Mr. Chen Yunfei on similar charges, with the additional charge of "creating a disturbance", in relation to his involvement in commemorative events for the Tiananmen Square protests in 1989. The human rights defender was sentenced to nine years imprisonment in December 2015.

256. The Special Rapporteur expresses particular concern for the arrest, detention and alleged mistreatment of the writer and human rights defender Mr. Yang Maodong, and regrets this concern to be compounded by information received as to the sentencing of Mr. Maodong to 6 years' imprisonment on 27 November 2015, by the Tianhe District People's Court in Gaungzhou, on charges of "gathering a crowd to disturb social order" and "picking quarrels and provoking trouble". The Special Rapporteur laments the sentencing of Mr. Maodong following a trial alleged to have fallen short of international principles of fair trial and respect for due process, including the adding of an additional charge to the case against Mr. Maodong at his sentencing hearing, thus prohibiting the preparing of a defence against this charge by Mr. Maodong or his legal representation. The Special Rapporteur reiterates his concern that the sentencing of Mr. Maodong may be directly linked to his legitimate and peaceful human rights work, and in particular his legitimate exercise of his rights to freedom of peaceful assembly and association, and his right to freedom of expression and opinion, in connection to anti-censorship protests in which he partook in August 2013.

257. The Special Rapporteur expresses concern for the increasing risks faced by journalists and those within the State who exercise their right to freedom of expression online, including through blogging and on social networks. The Special Rapporteur expresses serious concern for the situation of journalist and human rights defender Ms. Gao Yu, who was sentenced to seven years' imprisonment on 17 April 2015, for "disclosing state secrets". In November 2015, Ms. Gao's sentence was reduced to five years and she was permitted to temporarily serve the sentence out of prison due to a serious illness. Subsequent to the sending of the communication concerning Ms. Yu on 29 May 2015, the

Special Rapporteur has received with trepidation reports of judicial processes being initiated on further individuals, including human rights defenders, in direct connection with their exercise of the right to freedom of expression online. He urges the Government to ensure the protection of this fundamental freedom, both offline and online.

258. The Special Rapporteur expresses further concerns over the proposed "Overseas NGOs Administration Law", and its potentially damaging effect on civil society within the State. Serious concern is expressed that numerous provisions contained in the draft law do not comply with international law and standards pertaining to the rights to freedom of association and of peaceful assembly and the right to freedom of opinion and expression as established under Articles 19 and 20 of the Universal Declaration of Human Rights. Concern is also expressed that some provisions do not comply with the right to privacy as established under Article 17 of the Universal Declaration of Human Rights. Concern is also expressed in relation to several provisions of the draft law which may compromise the role and independence of civil society organizations and their ability to exercise freely and without undue interference from the State, including in the promotion and protection of human rights such as the fight against corruption, and the overall effect the adopting of the proposed legislation would have for human rights defenders in the State. At the time of finalising this report, the law had not yet come into force.

259. Further to his concerns surrounding legislative restrictions on the activities of civil society organisations within the State, and restrictions on the right to freedom of association therein, the Special Rapporteur expresses concern for the alleged arbitrary arrest, detention, and bringing of judicial proceedings against human rights defenders and members of the Transition Institute.

260. Following the press release emitted on 16 July 2015, the Special Rapporteur would like to highlight again the worrying trend, as evidenced by the communication sent to the Government on 15 July 2015, of the targeting of human rights lawyers within the State in retaliation for their legitimate work and activities in the promotion and protection of human rights. Among them is human rights lawyer Ms. Wang Yu, who after six months in detention in residential surveillance, was formally arrested and charged with "state subversion". In light of the crackdown on human rights lawyers which took place in mid-July, the Special Rapporteur would like to once again emphasise the crucial role of lawyers within societies governed by the rule of law, and to reiterate that human rights lawyers should be able to carry out their work free of persecution, including sanctions, intimidation or discrimination of any sort.

India

261. JAL 18/06/2015 Case no: *IND 7/2015* State reply: *17/08/2015*

Allegations of arbitrary freezing of funds of Greenpeace India.

262. JAL 04/08/2015 Case no: *IND 6/2015* State reply: *23/09/2015*

Allegations concerning the unfounded investigation and charges against two human rights defenders, Ms. Setalvad and Mr Arnand in relation to their legitimate human rights work, as well as measures restricting access to their organizations' funding, Citizens for Justice and Peace.

263. JUA 12/08/2015 Case no: *IND 8/2015* State reply: none to date

Alleged arbitrary arrest and detention of two women human rights defenders, Ms. Roma Mallik and Ms. Sukalo Gond.

264. JAL 11/09/2015 Case no: *IND 10/2015* State reply: *23/09/2015 (A)*

Allegations of human rights violations committed by law enforcement authorities in Manipur.

265. JUA 25/09/2015 Case no: *IND 11/2015* State reply: none to date

Alleged attacks and death threats against a human rights and anti-corruption activist, Mr. Prakash Chandra Pathak in the District of Shahjahanpur, Uttar Pradesh, India.

266. JAL 09/10/2015 Case no: *IND 12/2015* State reply: none to date

Alleged continued refusal to renew the passport of a human rights lawyer, Mr. Parvez Imroz, since 2004 in an attempt to restrict his work in relation to investigations of enforced disappearances.

267. The Special Rapporteur thanks the Government for its substantial response to two of the five communications sent during the reporting period, and appreciates its acknowledgement of receipt of one further communication. However, he regrets that considerable responses have not been received to the majority of the communications sent during the present reporting period. He encourages the Government to fully engage with his mandate, in particular given the gravity of the issues raised during the present reporting period.

268. The Special Rapporteur expresses concern at the restrictions imposed on Greenpeace India, which seem to be based solely on its activities in promotion of human rights, including a safe, clean environment. Concern is expressed at the apparent increasing limitation placed on associations, including limitations on their access to foreign funding and the undue cancellation of their registration on the basis of burdensome administrative requirements imposed on those organizations in receipt of foreign funds. In connection to this matter, the Special Rapporteur urges the Government to review the compatibility of legislation with international human rights standards, and more specifically with the right to freedom of association and assembly.

269. The Special Rapporteur expresses concern for the judicial proceedings brought against human rights defenders Ms. Teesta Setalvad and Mr. Javed Anand, as well as the actions taken against their organization Citizens for Justice and Peace, at a time of their providing legal assistance to a complainant in a case against high-ranking officials of the State. Whilst appreciating the information shared by the Government concerning this case, the Special Rapporteur repeats his concern that the judicial processes launched against the human rights defenders on allegations of financial misdealing's and embezzlement are unfounded, and that the actions taken against them and the NGOs in question represent a direct and persistent attempt to halt their human rights activities, and in particular their providing of legal assistance in the fight for transparency and justice within the State.

270. Communications sent to the Government during the present reporting period have highlighted a worrying trend of targeting of human rights defenders providing legal assistance to victims of human rights violations, in particular at the hands of State police or military forces, and human rights defenders who instigate judicial proceedings, often through the making of First Information Requests (FIRs), in attempts to disclose corruption within governmental and other State bodies. The Special Rapporteur is concerned that the physical attacks and threats against the right to information activist and human rights defender Mr. Prakash Changra Pathak, raised with the Government during the present reporting period, stand as an example of this trend. The attacks against Mr. Pathak appear to have been carried out in direct response to his promotion of transparency and accountability amongst public officials through requesting information under the Right to Information Act 2005, and due to the potential damaging effect of his work on the interests of persons of economic, political, and social high-standing. In the same vein, the Special Rapporteur expresses concern for the situation of Mr. Parvez Imroz, a human rights lawyer investigating disappearances in the Kashmir region, who has repeatedly been refused a renewal of his passport by State authorities.

271. The Special Rapporteur also expresses concern in relation to a trend of an increase in the risks faced by human rights defenders working for the rights of indigenous, tribal and

rural communities, in particular in the context of the organisation of communities in opposition to large-scale development projects in their territories, concerned with the negative environmental effects resulting from such projects, and violations of land rights. In this regard, the Special Rapporteur would like to highlight his concern for the situation faced by Ms. Roma Mallik and Ms. Sukalo Gond of the All India Union of Forest Working People, who continue to face prosecution for charges allegedly elaborated in order to halt the peaceful protests in opposition to the construction of a dam in Sandhadra, Uttar Pradesh, and forcible land acquisitions alleged to have been carried out in order to facilitate the dam's development.

272. The Special Rapporteur expresses serious concern following reports received on the situation of human rights defenders in the Manipur region. According to the information received, and as communicated to the Government during the current reporting period, human rights defenders, in particular indigenous defenders, women's rights defenders, and defenders working on environmental rights and land rights issues, are facing increasing challenges in the course of their work. The harassment of such defenders is reported to include physical attacks and surveillance, as in the case of Mr. Laimayum Sevanda Sharma, a legal advocate; threats and assaults, as in the case of Mr. Aribam Dhanajoy; and raids and arbitrary arrest and detention, as in the case of Mr. Phulindro Konsam. The Special Rapporteur fears the actions taken against human rights defenders in the region to be directly connected with their legitimate and peaceful work, and in many cases to have been perpetrated by members of armed forces active in the region. These attacks, which have been seen to take place in the aftermath of peaceful manifestations led by the human rights defenders, often demanding respect for territorial, land and environmental rights, are being carried out with impunity, due in large part to the extended protections granted to personnel of the armed forces under the Armed Forces Special Powers Act. In cases of the arbitrary detention and bringing of judicial processes against defenders in the region, the Special Rapporteur laments the practice of opening cases against human rights defenders, and allowing them to remain open for indefinite periods of time in order to dissuade defenders from continuing with their work due to their risk of being rearrested at any moment in connection to already opened cases.

Indonesia

273. JAL 07/07/2015 Case no: *IDN 3/2015* State reply: none to date

Alleged beating, abduction and murder of environmental human rights defenders, Mr. Indra Pelani, by private security guards hired by a subsidiary pulpwood supplier company

274. JAL 08/09/2015 Case no: *IDN 7/2015* State reply: none to date

Alleged threats and intimidation of a human rights defender, Mr. Theo Hesegem in West Papua province.

275. The Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the communications sent during the current reporting period.

276. The Special Rapporteur expresses concern about the alleged beating, abduction and murder of Mr. Indra Pelani and violence against Mr. Nick Karim. Concern is expressed that the murder and violence are related to their activities in defence of human rights and the environment. The Special Rapporteur laments that this death highlights the increasingly volatile relationship between corporations and human rights defenders. He urges the Government to put measures in place that can prevent, investigate, punish and redress human rights abuses related to the activities of business enterprise.

277. The Special Rapporteur expresses extreme concern for the situation faced by human rights defender Mr. Theo Hesegem, head of the Advocacy Network for Upholding Law and Human Rights of Papua Central Highland, in light of intimidation, public stigmatisation,

and threatening, in relation to his documentating and reporting of alleged human rights violations by state forces in West Papua, including the allegations of torture and ill-treatment by police officers against detainees.

278. In light of information received from multiple sources during the present reporting period, the Special Rapporteur expresses concern for the environment in which defenders are working in the West Papua province. The Special Rapporteur fears this environment to include a prolifero.is risk of arbitrary arrest and detention, harassment and intimidation, through threats against defenders by State and non-State actors, denigration, physical attacks, and mistreatment while held in police custody. The Special Rapporteur also laments information received detailing the particular risks faced by human rights lawyers and journalists working in West Papua, and calls on the State to take all possible steps to ensure their protection.

Iran (Islamic Republic of)

279. JUA 16/01/2015 Case no: *IRN 1/2015* State reply: none to date

Alleged arbitrary arrest and detention of Ms. Atena Farghdani, for a drawing she created protesting the banning of vasectomies and family planning.

280. JUA 27/01/2015 Case no: *IRN 2/2015* State reply: none to date

Allegations of arbitrary arrest and detention of Ms. Mehdieh Golrou, woman human rights defender and member of the Council for Defence of Educational Rights in Iran.

281. JUA 19/05/2015 Case no: *IRN 5/2015* State reply: none to date

Alleged arbitrary arrest, detention and unfair trial of a human rights defender, Ms. Narges Mohammadi.

282. JUA 04/06/2015 Case no: *IRN 6/2015* State reply: none to date

Alleged arrest, detention, and prolonged solitary confinement, as well as unfair trial, of an artist and two journalists.

283. JUA 24/06/2015 Case no: *IRN 9/2015* State reply: none to date

Alleged arrest, detention, ill-treatment and sentencing of a civil rights activist and a journalist, Ms. Atena Daemi and Mr. Seral Mirdamadi, after unfair trials.

284. JUA 10/08/2015 Case no: *IRN 12/2015* State reply: none to date

Allegations concerning the imposition of the death penalty for Dr. Mohammad Ali Taheri, for peaceful activities.

285. JUA 12/08/2015 Case no: *IRN 13/2015* State reply: none to date

Alleged arbitrary detention of a journalist, Mr. Jason Rezaian, for having reportedly exercised his rights to freedom of opinion and expression; freedom of association and political participation, and violation of his right to due process of law.

286. JAL 05/10/2015 Case no: *IRN 17/2015* State reply: none to date

Alleged custodial death of a political prisoner in Iran, Mr. Shahrokh Zamani.

287. JUA 13/10/2015 Case no: *IRN 18/2015* State reply: *24/11/2015*

Alleged deteriorating health conditions of political prisoner, Dr. Mohammed Ali Taheri.

288. JUA 29/10/2015 Case no: *IRN 20/2015* State reply: none to date

Alleged execution of Mr. Behrouz Alkhani, on charges of Moharebeh (enmity against God) in Iran.

289. PR 05.06.2015

Silencing journalists and activists weakens protection of human rights in Iran, UN expert warns.

290. Special Rapporteur regrets that, at the time of finalising this report, the Government of Iran has failed to respond to the majority of the communications sent during the current reporting period. As such, the Special Rapporteur strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the mandates of the Special Rapporteur in the future, particularly due to the serious allegations addressed, and to provide information on the communications sent.

291. The Special Rapporteur expresses his concern at several negative trends for human rights defenders highlighted by the communications sent during the present reporting period, and stresses one of the alarming issues of criminalization of the activities of human rights defenders through use of legislation non-compliant with international human rights standards. Ms. Atena Farghdani was allegedly arrested and detained due to a drawing she made, protesting the banning of vasectomies and family planning and she was later sentenced to twelve years and nine months imprisonment, charged with "insulting members of the parliament through paintings" among others. The Special Rapporteur laments that this sentence does not meet the requirements of necessity and proportionality for invoking an exception to the right to freedom of opinion and expression. The Special Rapporteur expresses his concern in relation to reports of ill-treatment of Ms. Farghdani, who allegedly suffered a heart attack while in detention and was then placed in solitary confinement.

292. The Special Rapporteur laments that many of the communications sent during this reporting period are related to the ill-treatment, including prolonged solitary confinement, degrading conditions of detention, psychological torture and refusal of urgent medical treatment of persons detained in Iran. Furthermore, he expresses concern related to the conviction and sentencing after trials failing to meet basic requirements of due process of Ms. Atena Daemi and Mr. Seraj Mirdamadi in relation to their exercise of their rights to freedom of opinion and expression, their exercise of the freedom of association and assembly. Due to the severity of the cases, the Special Rapporteur urges the Government to respond to the communications sent, as grave concern is expressed about the state of health of Ms. Daemi and Mr. Mirdamadi and their limited access to medical treatment.

293. The Special Rapporteur expresses concern for the situation of human rights defenders in the country, and in particular for the continued arbitrary arrest, detention, and bringing of unfounded judicial processes against human rights defenders in an attempt to halt them in the continuance of their legitimate and peaceful human rights activities. He expresses concern at allegations of arbitrary arrest and detention of a woman human rights defender and member of the Council for Defence of Educational Rights in Iran, Ms. Mehdieh Golrou. The Special Rapporteur wishes to remind the Government of resolution 24/5, in which the Human Rights Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly are in accordance with their obligations under international human rights law.

294. The Special Rapporteur thanks the Government for its response to the communication sent on 13 October 2015 in relation to Dr. Mohammed Ali Taheri and looks forward to continuing a dialogue on this case. The Special Rapporteur would like to bring to the attention of the Government that, although the death penalty is not prohibited under international law, it has long been regarded as an extreme exception to the fundamental right to life. Article 6(2) of the International Covenant on Civil and Political Rights, which

was ratified by Iran on 24 June 1975 provides that countries which have not abolished the death penalty may only impose it for the most serious crimes.

295. The Special Rapporteur wishes to express serious concern that the death penalty may have been imposed and carried out against Mr. Behrouz Alkhanil following judicial procedures that allegedly did not fulfill the most stringent guarantees of fair trial and due process, in particular access to legal counsel at all stages of the procedures, and the allegations that Mr. Alkhani was not allowed to exhaust all of his appeal rights. The Rapporteur also raises serious concern on the alleged refusal of the authorities to return the body of Mr Alkhani to his family for burial, and the additional suffering that this would cause to his relatives. In addition, the Special Rapporteur is concerned in relation to the case of Mr. Shahrokh Zamani who died while in custody in Raja'i Shahr Prison, and the allegations that this is due to substandard prison conditions and failure to provide medical care to the detainee while in prison. This constitutes a violation of Iranian law and is in contravention of international human rights law of Standard Minimum Rules for the Treatment of Prisoners.

296. The Special Rapporteur appeals to the Government to take all necessary measures to guarantee that all human rights defenders are subject to fair proceedings before an independent and impartial tribunal. The Special Rapporteur is alarmed at the numerous reports of human rights defenders who were deprived of due process and denied their rights to legal counsel. He is concerned with the legal persecution of individuals for exercising their legitimate rights to freedom of opinion and expression, peaceful assembly and association

297. The Special Rapporteur reminds the Government that the detention of journalists and human rights defenders weakens the protection of human rights of all in Iran. Silencing these critical voices undermines public debate and deprives the country's citizens of their right to information. The recurrent use of vague references to threats to national security, propaganda against the system and insult to authorities to prosecute and detain journalists or activists is a disturbing trend and constitutes a violation of the right to freedom of expression. The Special Rapporteur welcomes the recent information on the recent release along with three other detainees. of Mr. Jason Rezaian, a reporter of the Washington Post, and his wife, Ms. Yeganeh Salehi, a correspondent of the United Arab Emirates newspaper, as part of a prisoner swap with the United States. However, the Special Rapporteur laments that the previous arrest, detention and trial of Mr. Rezaian and Ms. Salehi not only violate their individual rights, but also intimidates those working in the media in Iran. Human rights defenders play a fundamental role in ensuring a democratic society which respects human rights. The Special Rapporteur reminds the Iranian Government of its responsibility to ensure that human rights defenders do not face prosecution for promoting and advancing human rights in the country.

Japan

298. JAL 15/06/2015 Case no: *JPN 1/2015* State reply: *27/07/2015*

Allegations of the use of unjustified harassment, excessive use of force and arbitrary arrests against peaceful protestors in Okinawa, including Mr. Masatsugi Isa and Mr. Hiroj Yamashiro.

299. The Special Rapporteur thanks the Government of Japan for the response submitted to the communication sent on 15 June 2015.

300. The Special Rapporteur takes note of the information received in the response from the government, but he reiterates his concerns in relation to the harassment, excessive use of force and the arbitrary arrest of peaceful protestors. He reiterates his concerns for the treatment of peaceful protestors, including human rights defenders, in the course of their

legitimate efforts to protect the biodiversity of Okinawa, in the context of the construction of a new military base in Henoko, Oura Bay.

Lao People's Democratic Republic

301. JAL 29/05/2015 Case no: *LAO 1/2015* State reply: none to date

Allegations concerning the non-compliance of a draft Decree on associations and foundations with international law and standards related to the rights to freedom of association and freedom of opinion and expression.

302. PR *23/12/2014*

UN experts appeal for international help two years after the enforced disappearance of leading rights defender, Mr. Sombath Somphone.

303. Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the allegation letter sent on 29 May 2015. The Special Rapporteur urges the Government of Lao People's Democratic Republic to respond to the communication promptly.

304. The Special Rapporteur laments that the Government's changes to regulations on domestic non-profit associations could contribute to hinder the work of organisations and in particular slow down development projects. The revised Decree would allegedly affect small community projects by delaying their work due to additional government requirements. The Special Rapporteur expresses his serious concern at the provisions contained in the draft Decree that do not comply with international human rights law and standards pertaining to the freedom of opinion and expression and freedom of association including the ability for associations to operate freely without State's undue interference. At the time of finalising this report, the draft Decree had not yet been implemented.

305. At the second Universal Periodic Review of Laos on 20 January 2015, 10 states made recommendations to Laos to investigate the ongoing disappearance of Mr. Sombath Somphone, a prominent human rights activist working on issues of land confiscation and assisting victims in denouncing such practices. The Special Rapporteur reiterates his call to the Government to intensify its efforts to conduct a prompt impartial and effective investigation into the disappearance of Mr. Somphone. The Special Rapporteur is dismayed by the Lao authorities' failure to provide any specific information on the status and progress of the investigation since 7 June 2013. The Special Rapporteur further urges the authorities to release more information about the progress of investigation, especially to his family. In the absence of any tangible progress, he supports the recommendations that an international team of experts work jointly with the Lao People's Democratic Republic to fulfil its legal obligations. On 28 September 2009, the Lao People's Democratic Republic signed the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), however the government has made no demonstrable progress towards ratification of the treaty seven years later and after the specific recommendation to this in the UPR process in January 2015.The Special Rapporteur strongly urges the Government to ratify the Convention.

Malaysia

306. JOL 23/12/2014 Case no: *MYS 8/2014* State reply: none to date

Allegations related to the Sedition Act of 1948 and restrictions to the right to freedom of opinion and expression.

307. JAL 25/02/2015 Case no: *MYS 1/2015* State reply: none to date

Alleged arrest and detention of two human rights defenders, Mr. Eric Paulsen and Mr. Zulkiflee Sm Anwar Ulhaque under the Sedition Act 1948 for exercising their right to freedom of expression.

308. The Special Rapporteur regrets that no response has been received to the communications sent during the present reporting period, and urges the Government to provide an immediate response to the questions and allegations raised therein. However, he thanks the government for the response received on 5 February 2016 to a communication sent in the previous reporting period.

309. The Special Rapporteur expresses his concern that the overly broad language of the Sedition Act and the lack of clear and definite terms of what constitutes a violation under the Act, do not conform with international norms and standards in relation to human rights. He reiterates his concern in relation to the wave of arrests and charges under the Sedition Act and the allegations that these do not meet the requirements of necessity and proportionality to invoke an exception to the right to freedom of opinion and expression. Despite the Government having previously expressed plans to abolish the Act, it continues to be used as a means to counter political opponents, journalists, academics, lawyers, human rights defenders and activists, among others.

Maldives

310. PR *19/06/2015*

UN experts urge Supreme Court to reconsider decision against Maldivian Human Rights Commission.

311. The Special Rapporteur reiterates his concern at the verdict made against the Maldivian Human Rights Commission, as expressed in the a Press Release 19 June 2015. He laments that the decision is allegedly an act of reprisal against the Human Rights Commission for its legitimate cooperation with the UN human rights system and its mechanisms, and what can be considered an undue interference into the independent work of the Commission and their right to share information freely with the UN for the Universal Periodic Review. This unique process is carried out in order to improve the situation of human rights in all countries and address violations wherever they occur. The Special Rapporteur urges the Government of the Maldives to cooperate with the UPR mechanism and to allow the Commission to carry out their legitimate work freely and without fear of repercussions or threats. The Special Rapporteur would like to remind the Government of the Maldives of Resolution 12/2 of the Human Rights Council urging governments to prevent and refrain from acts of intimidation or reprisal against individuals or organisations who cooperate with the United Nations, its representatives and mechanisms in the field of human rights. On 16 June 2015, the Maldivian Supreme Court ruled that the Commission's submission to the review of the Maldives, which was held in May 2015, was unlawful, biased and undermined judicial independence in the country. The Special Rapporteur laments the decision of The Supreme Court which seems to be in contravention with the international human rights obligations of the Maldives, but also with the country's Consitution, which enshrines the independence and powers of the Human Rights Commission. The Special Rapporteur wishes to remind the Government of the Maldives of the recommendation which it accepted during the Universal Periodic Review in May 2015 to strengthen the independence of the Human Rights Commission and to work with it to improve the human rights education in the country.

Mongolia

312 JAL 09/11/2015 Case no: *MNG 1/2015* State reply: none to date

Alleged arbitrary deportation of Mr. Eugene Simonov, an environmental civil society activist, in relation to the exercise of his rights to freedom of opinion and expression.

313. The Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the joint allegation letter sent during the current reporting period. He hopes to receive a response to the letter soon.

314. The Special Rapporteur reiterates his concern for the harassment and deportation of environmental rights defender Mr. Eugene Simonov on allegations that he represents a threat to national security. Concern is expressed that his deportation may have been made in order to prevent his participation in civil society investigations into several large-scale development projects in the Lake Baikal trans-boundary basin.

Myanmar

315. JUA 07/04/2015 Case no: *MMR 3/2015* State reply: none to date

Alleged arbitrary arrest, detention and sentencing of two peaceful protestors, Mr Thein Aung Myint and Mr. Saw Hla Aung against Parliament's decision to approve an increase in electricity prices, and two bystanders.

316. JUA 10/04/2015 Case no: *MMR 4/2015* State reply: *31/07/2015*

Alleged arbitrary arrest and detention of over one hundred individuals in relation to peaceful protests calling for amendments to the National Education Bill and/or the release of previously arrested protestors.

317. JUA 03/08/2015 Case no: *MMR 8/2015* State reply: *14/11/2015*

Alleged arbitrary detention of Mr Zaw Zaw Latt, for interfaith peaceful coexistence.

318. JUA 29/10/2015 Case no: *MMR 9/2015* State reply: none to date

Alleged arbitrary arrest and detention of human rights defenders, Ms. Chaw Sandi Tun and Mr. Patrick Kum Jaa Lee.

319. JUA 03/11/2015 Case no: *MMR 10/2015* State reply: none to date

Alleged enforced disappearance of two human rights defenders, Mr. Tang Zhishun and Mr. Zing Qingxian, and the 16-year old son of a detained human rights defender.

320. The Special Rapporteur thanks the Government for its responses to two of the five communications sent during the reporting period. However, he regrets that as of the finalization of this report, no response has been received to any of the three remaining communications sent. He encourages the newly elected Government to engage in a sincere and complete manner with the mandate of the Special Procedures of the Human Rights Council.

321. The Special Rapporteur expresses his concern at the negative developments on the situation for human rights defenders highlighted by the communications sent during the present reporting period, and stresses his concern in relation to the criminalization of the activities of human rights defenders through use of legislation. The Special Rapporteur would like to reiterate his concerns over the compatibility of the Law on the Right to Peaceful Assembly and Peaceful Procession with international human rights standards in relation to freedom of assembly and association, and express serious concern for the conviction of human rights defenders Mr. Thein Aung Myint, Mr. Saw Hla Aung, Mr. Kyaw Myo Htun and Ms. Khet Khet Tin under Article 18 of this law, in relation to their participation in a peaceful vigil. The Special Rapporteur welcomes the release of Mr. Thein Aung Myint on 10 December 2015, and urges the release of the remaining human rights

defenders. In connection to this matter, the Special Rapporteur urges the Government to review the compatibility of restrictive legislation, both proposed and in effect within the State, with international human rights standards.

322. Similarly, the Special Rapporteur expresses concern at the alleged arbitrary arrest and detention of human rights defenders Ms. Chaw Sandi Tun and Mr. Patrick Khum Jaa Lee, as a result of the views they had expressed on social media. The actions against the two human rights defenders, which were taken on the basis of the 2013 Telecommunications Law, occured in the context of shrinking space for civil society and freedom of expression in the run up to this year's national elections. Mr. Lee, who along with Ms. Tun is among the first individuals arrested in Myanmar for comments posted on social media, was allegedly arrested, without warrant, for commenting under a photograph posted on Facebook, stating: "Don't share this post – if you do you will be arrested."

323. The Special Rapporteur reiterates his concern in relation to the development and implementation of allegedly restrictive legislation, and specifically to the case of the arrests, detention, charging and trial of students engaged in peaceful protests against the National Education Law. The Special Rapporteur expresses extreme concern for the information received in relation to the detentions of a student human rights defender, and in particular concerning the alleged ill-treatment of a female student human rights defender and the administering of forced pregnancy tests and beatings, following the massive arrests which took place during protests on 10 March 2015. He also expresses concern for recent reports indicating the arrest and detention of additional students connected to the human rights movement in the country, as well as the continued detention of many of the students arrested in March. The Special Rapporteur calls for their immediate and unconditional release.

324. The Special Rapporteur expresses grave concern for the physical integrity of Chinese human rights defenders Mr. Tang Zhishun and Mr. Zing Qingxian, who were arrested in Mongla by Myanmar police officers on 6 October 2015. Following their arrests, local police in Mongla reportedly denied having any knowledge of the whereabouts of the two human rights defenders. He urges the Government to take all possible measures to ensure the safety of Mr. Zhishun and Mr. Qingxian, and to share information as to their whereabouts in their response to the communication sent on this matter.

325. The Special Rapporteur also stresses his concern for women human rights defenders in the State, who, according to information received during the present reporting period, are facing increasing risks in the course of their human rights work, including serious defamation and harassment through different modes of communication, with the alleged acquiescence of the State.

326. The Special Rapporteur also wishes to highlight the growing dangers faced by human rights defenders working on issues of minority and religious rights within Myanmar, in particular in rural areas, and urges the Government to take every measure to ensure that all human rights defenders within the country are provided with the protection that their essential role merits.

Nauru

327. JAL 12/11/2015 Case no: NRU 2/2015 State reply: none to date

Allegations of undue restrictions, harassment and acts of intimidation and reprisals against human rights defenders and journalists documenting, and reporting on the situation of asylum seekers held at immigration detention facilities in Nauru.

328 JUA 16/11/2015 Case no: NRU 3/2015 State reply: none to date

Allegations concerning the alleged sexual violence against Ms. Nazanin Bagheri and ill-treatment faced by her and her brother Mr. Omid Bagheri Jebeli in the

context of their detention in the Australia Regional Processing Centre in Nauru and their interaction with the Nauru National Police force.

329. The Special Rapporteur deeply regrets that, at the time of finalising this report, no response has been received to the communications sent. The Special Rapporteur urges the Government of Nauru to respond to the communication shortly.

330. The Special Rapporteur welcomes the decision of the Government to turn the country's Regional Processing Centre that houses asylum seekers into open centres, meaning that all asylum seekers are now free to move around the island and no longer remain detained within the centres.

331. The Special Rapporteur reiterates his concern expressed above at the allegations of violations perpetrated against human rights defenders detained at immigration detention centres under Australian control in Nauru and in particular in relation to the ill-treatment faced by Ms. Nazanin Bagheri and her brother Mr. Omid Bagheri Jebeli. He urges the Government of Nauru to assure the physical and mental integrity of the persons detained at the immigrations detention centres and also to ensure that human rights defenders in the country are able to carry out their work without fear of harassment, aggression or reprisal of any sort.

Nepal

332. JAL 20/08/2015 Case no: NPL 2/2015 State reply: none to date

Alleged excessive use of force by the police to disperse a peaceful protest in Kathmandu, and serious injuries sustained by several protestors.

333. The Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the allegation letter sent on 20 August 2015.

334. The Special Rapporteur raises serious concerns in relation to the allegations of excessive use of force by police officers in the dispersing of a peaceful protest for Dalit human rights, and the resulting serious injuries to human rights defenders, and prominent members of Dalit civil society, Ms. Kamala Hemchuri, Ms. Durga Sob and Mr. Ganesh B.K. The Special Rapporteur recalls the announcement by the Government of the establishment of a committee to investigate these allegations in August 2015, and calls on the Government to provide information as to any advances by the committee in their investigations, given the serious concerns for the situation of Dalit human rights defenders, including women human rights defenders, who are facing severe risks of multifaceted attacks and retaliation for the legitimate exercise of their rights, and their work as human rights defenders.

335. Following the promulgation of the new Constitution of Nepal, the Special Rapporteur calls on the Government to ensure the promotion and protection of all fundamental rights within the country, and the access to these rights for all, without discrimination. He welcomes the development of the National Strategy and Action Plan on Gender Empowerment and the elimination of Gender Based Violence, and urges the Government to take further steps to acknowledge the role played by women human rights defenders, and to ensure that they are able to carry out their work in a safe and enabling environment.

Pakistan

336. JUA 28/08/2015 Case no: PAK 8/2015 State reply: none to date

Allegations of enforced disappearance of Ms. Zeenat Shezadi, a social worker and investigative journalist, in reprisal for her work on enforced disappearances, in

particular on the case of an Indian national, Mr. Hamid Nehal Ahmed Ansari, reportedly enforced disappeared in Pakistan.

337. The Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the allegation letter sent on 28 August 2015.

338. The Special Rapporteur reiterates his concern in relation to the case of the enforced disappearance of Ms Zeenat Shezad, who was investigating the reportedly disappeared Mr Hamid Nehal Ahmed Ansari.. People are often at high risk of torture when they are detained outside of formal detention facilities such as prisons and police stations The Special Rapporteur urges the Government to affirm its commitment to end enforced disappearances and ensure justice for serious human rights violations by ratifying the International Convention for the Protection of All Persons from Enforced Disappearances. In addition, enforced disappearances violate many of the rights guaranteed under the International Covenant on Civil and Political Rights, ratified by Pakistan in 2010. The Special Rapporteur is particularly concerned by reports indicating that the counterterrorism laws in Pakistan, have contributed to allow arbitrary deprivation of liberty, and to enforced disappearances, in particular the Anti-Terrorism Act 1997, and the FATA/PATA Action (in aid of civil powers) Regulations 2011. The Special Rapporteur calls on the Government of Pakistan to ensure the respect of international norms and human rights standars in the country, in particular in terms of due process, conditions of detention and legality. Furthermore, the Government should also fully investigate and prosecute those who are responsible for ordering, participating, or carrying out enforced disappearances.

Papua New Guinea

339. JAL 12/11/2015 Case no: *PNG 1/2015* State reply: none to date

Allegations of undue restrictions, harassment and acts of intimidation and reprisals against human rights defenders and journalists documenting, and reporting on the situation of asylum seekers held at immigration detention facilities at Manus Island.

340. The Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the allegation letter sent on 12 November 2015.

341. The Special Rapporteur reiterates his concern, as previously expressed above, in relation to the allegations of violations perpetrated against human rights defenders detained at immigration detention centres under Australian control in Manus Island.

Philippines

342. JAL 08/01/2015 Case no: *PHL 1/2015* State reply: *15/04/2015*

Allegations concerning the disbarment procedure pending against a human rights lawyer, Mr. Harry Roque, in the Philippines.

343. JAL 15/06/2015 Case no: *PHL 3/2015* State reply: none to date

Alleged surveillance of the Southern Mindanao office of the Alliance for the Advancement of People's Rights (Karapatan) and the intimidation of its members.

344. JUA 15/09/2015 Case no: *PHL 5/2015* State reply: none to date

Alleged extrajudicial killings of three human rights defenders in Liango, Surigao del Sur, including the director of ALCADEV, an alternative learning school for indigenous peoples, an indigenous leader and the chairperson of MAPASU, an indigenous organization in defence of human rights violations of indigenous Lumad people; and alleged extrajudicial killings of five indigenous persons from the Manobo

tribe in Bukidnon in Northern Mindanao, including a political and spiritual adviser (known as datu).

345. PR 22/09/2015

UN experts urge probe into killings of three Indigenous people's rights defenders

346. The Special Rapporteur thanks the Government for the response to the joint allegation letter sent on 8 January 2015, and awaits receipt of a substantial response to the other two communications sent during the reporting period.

347. The Special Rapporteur thanks the Government for the response provided to the joint communication sent on allegations of petition of disbarment of human rights lawyer Mr. Harry Roque, initiated by the Armed Forces of the Philippines. The Special Rapporteur reiterates his concern that the filing of the complaint against Mr. Roque may constitute an act of harassment designed to dissuade him from the continuance of his leading legal human rights activism, including his work in bringing to justice the perpetrators of human rights violations committed by both national and foreign military personnel within the State.

348. The Special Rapporteur laments the alleged surveillance and intimidation of the members of Alliance for the Advancement of People's Rights (Karapatan), as well as the surveillance on their office. Concern is also expressed that this may be a result of their peaceful and legitimate human rights activities and their exercise of the rights to freedom of expression and association. The Special Rapporteur wishes to remind the Government of its responsibility to ensure a safe and enabling environment for human rights lawyers whereby they can practice without fear of repercussions or harassment of any sort.

349. Following numerous reports received during the present reporting period, the Special Rapporteur expresses particular concern in relation to the extrajudicial killings of human rights defenders in the State, as highlighted in the communication sent on 15 September 2015, and emphasised in the press release issued subsequent to the sending of this communication. The Special Rapporteur considers the killings of Messrs. Emerito Samarca, Dionel Campos, and Bello Sinzo to be systematic of the aggressions suffered by human rights defenders in rural areas and indigenous communities in response to violations committed in the course of environmentally dubious mining operations, wide-spread development of monoculture plantations, land grabs and territorial disputes. The Special Rapporteur regrets that, since the sending of the communication on this matter, information has been received of further killings of indigenous rights defenders in Mindanao. He urges the Government to take every possible measure to ensure that these extrajudicial killings do not remain in impunity, for fear of the potential encouragement a lack of justice would provide for any potential perpetrators of such acts in the future.

Republic of Korea

350. JAL 12/02/2015 Case no: KOR 1/2015 State reply: 09/09/2015

Alleged disciplinary proceedings against two human rights lawyers, Mr. Kyeong-wook Jang and Ms. In-sook Kim of Lawyers for a Democratic Society, for discharging of their professional functions.

351. JUA 11/06/2015 Case no: KOR 2/2015 State reply: none to date

Alleged excessive use of force and detention of protestors and human rights activists during peaceful protests commemorating the Sewol ferry accident and during the Labour Day march.

352. JAL 20/11/2015 Case no: KOR 3/2015 State reply: none to date

Denial of entry and deportation of a human rights defender, Mr. Vital Nshimirimana, which impeded his attendance at an international civil society event.

353. The Special Rapporteur thanks the Government of Korea for the two responses provided to the communications sent during the present reporting period and encourages the Government to provide information in relation to the remaining communication.

354. The Special Rapporteur expresses his concern in relation to the harassment and disciplinary proceedings faced by human rights lawyers, Mr. Kyeong-wook Jang and Ms. In-sook Kim, in the Republic of Koreas discharging them of their professional functions. He wishes to remind the Government of its responsibility to ensure a safe and enabling environment for human rights lawyers whereby they can practice without fear of repercussions and obstructions to their work.

355. The Special Rapporteur is concerned with the effects of increasing restrictions on the right to freedom of assembly and association for human rights defenders in the country and regrets the reports of excessive use of force, including the firing of tear gas and water cannons containing pepper spray on peaceful protestors commemorating the Sewol ferry accident. The police reportedly arrested 79 protestors, including 21 relatives of the Sewol ferry victims and five minors. Among those arrested were the human rights defenders Mr. Jang-hee Kwon and Mr. Kwang-chul Kang. Other prominent human rights defenders were given suspended sentences for organizing and participating in demonstrations to commemorate the Sewol ferry accident. The Special Rapporteur urges restraint amongst police forces in their supervision of peaceful protests within the country and to ensure the principles of proportionality are respected in relation to sentencing.

356. The Special Rapporteur is very concerned at the obstruction to the right to freedom of peaceful assembly and freedom of opinion and expression by denying Mr. Vital Nshimirimana entry into the Republic of Korea to speak at the 8th Assembly of the World Movement for Democracy (WMD) on the issue of Burundi and its democratic struggle. Allegations point to collaboration between the two governments to impede the human rights defender's attendance at an international civil society event, which would indicate a coordinated violation on the right to freedom of assembly and freedom of opinion and expression. The Special Rapporteur reminds the Government of the Republic of Korea of their international human rights obligations and encourages the Government to uphold the full respect of the right of human rights defenders to seek and exchange information on human rights issues. In connection to this matter, the Special Rapporteur urges the Government to review the compatibility of restrictive legislation, such as The Assembly and Demonstration Act, with international human rights law. The use of vague definitions in the law, for instance on the term 'assembly' could potentially allow restrictions to be applied to a wide range of assemblies.

Singapore

357. JUA 07/07/2015 Case no: *SGP 1/2015* State reply: *23/12/2015*

Allegations on prosecutions and detention in Singapore of two bloggers, Mr. Roy Ngerg Yi Ling and one child, in relation to the legitimate and peaceful exercise of their right to freedom of opinion and expression.

358. JAL 30/10/2015 Case no: *SGP 2/2015* State reply: *24/12/2015*

Charges against human rights defender and blogger, Ms. Han Hui Hui, for exercising the right to peaceful assembly.

359. PR *08/07/2015*

UN expert alarmed by sentencing of teenager blogger.

360. The Special Rapporteur thanks the Government of Singapore for the detailed responses to both communications sent during this reporting period.

361. The issue of restrictions on freedom of expression is of particular concern to the Special Rapporteur, in particular the shrinking of internet space and freedoms, which has had a profound effect on bloggers and human rights defenders who use social media and the internet as a platform for the promotion of human rights. He expresses concern in relation to the prosecutions brought against Mr. Roy Ngerng Yi Ling and the second blogger, allegedly aimed at curbing Mr. Ngerng's exercise of his right to freedom of expression and opinion. The Rapporteur fears for the chilling effect these persecutions might have on other human rights defenders and their right to seek, receive and access information, for fear of criminalization and persecutions for freely expressing their opinions, in particular when criticizing the government or its policies.

362. The Special Rapporteur expresses his concern at the on-going trial of Ms. Han Hui Hui and her fellow protestors on charges which appear to be solely based on their participation in peaceful protest During the trial Ms. Hui Hui has faced some difficulty in acquiring adequate legal assistance. He laments the current trend in Singapore to persecute human rights defenders, including adolescents for expressing their opinions, often through their blogs, cartoons or films. The Special Rapporteur reiterates that insults to a public figure are not sufficient grounds to justify the imposition of penalties and restrictions on the right to freedom of expression. The Special Rapporteur states that openness to all forms of criticism is necessary in an open society and in a debate on present or past public figures. Furthermore, the Special Rapporteur expresses his concern in relation to defamation lawsuits that are allegedly filed against human rights defenders for public comments. The Special Rapporteur calls on the Government to ensure that human rights defenders can carry out their legitimate activities in a safe and enabling environment without fear of harassment, stigmatisation or criminalisation of any kind. He further urges the Government of Singapore to review its defamation laws and ensure that the application is not used to arbitrarily stifle freedom of opinion and expression, and that the de facto ban on public demonstrations is lifted.

Sri Lanka

363. JUA 12/12/2014 Case no: *LKA 13/2014* State reply: *12/12/2014(A)*

Alleged intimidation, harassment and abduction of a woman, Ms. Rankothge Mauri Inoka Kumari Jayasena, following her actions and inquiries to determine the fate and whereabouts of her disappeared husband, Mr. Madushka Haris de Silva.

364. JUA 14/01/2015 Case no: *LKA 1/2015* State reply: none to date

Alleged threats, intimidation and harassment of two human rights defenders, Mr. Brito Fernando and Mr. Prasanga Fernando, in retaliation for their work on enforced disappearances, truth and justice.

365. The Special Rapporteur thanks the Government for its response of receipt to one of the two communications sent during the reporting period however awaits a more in-depth response. Furthermore, he regrets that no response has been received to the communication sent on 14 January 2015 in relation to acts of retaliation against two human rights defenders working on issues of enforced disappearance.

366. The Special Rapporteur laments the numerous cases of enforced disappearances in the country over the past years and urges the Government to increase its efforts to determine the fate or whereabouts of those who have disappeared, including Ms. Rankothge Mauri Inoka Kumari Jayasena, Mr. Madushka Haris de Silva, Mr. Brito Fernando and Mr. Prasanga Fernando. The Special Rapporteur welcomes the commitments made by the new Government of Sri Lanka to embark on comprehensive measures to ensure truth, justice and reparation for victims, as well as to prevent any occurrence of disappearances in the future. He urges the Government of Sri Lanka follow up these promises and commitments must now with concrete efforts and tangible results. The Special Rapporteur reminds the

Government to provide a safe and enabling environment for all human rights defenders in the country, an in particular those who are committed to seeking truth, justice and reparation for victims of forced disappearance.

Thailand

367. JUA 08/12/2014 *Case no:* THA 13/2014 State reply: 10/12/2014

Alleged arbitrary arrest and detention of, and charges against 21 individuals for exercising their rights to freedom of opinion and expression.

368. JUA 19/02/2015 *Case no:* THA 2/2015 State reply: 24/02/2015 (A); 02/04/2015 21/05/2015

Allegations of threats against, incommunicado detention, attempted killing and killings of several environmental and land rights defenders, as well as threats against community members.

369. JAL 07/07/2015 Case no: THA 6/2015 State reply: 10/07/2015

Alleged threats and intimidation against Ms. Sirikan "June" Charoensiri, a human rights lawyer.

370. JUA 16/07/2015 Case no: THA 7/2015 State reply: 20/07/2015

Alleged arbitrary detention of 14 students belonging to the Neo Democracy Movement (NDM) due to their participation in peaceful protests.

371. JAL 09/09/2015 Case no: THA 8/2015 State reply: 15/09/2015

Alleged indictment of human rights defender, Mr. Andy Hall, based on false accusations.

372. The Special Rapporteur thanks the Government for the substantive replies received to all five of the communications sent during the present reporting period, and the acknowledgement of receipt of the communication sent on 8 December 2014, whilst lamenting that no further information has been provided on the matters raised therein.

373. The Special Rapporteur expresses his severe concern over the alleged charging, detention, sentencing to disproportionate prison terms, and the initiation of the processes for the revocation of passports of individuals, including human rights defenders, in what appear to be direct acts of retaliation to their legitimate exercise of the right to freedom of opinion and expression. The Special Rapporteur expresses concern for restrictions placed on fundamental freedoms within the country, in particular restrictions on the activities of human rights defenders, which have been increasingly applied in the aftermath of the military *coup* in 2014. Since the *coup* the Thai authorities have used new legal framework and pre-existing laws – including criminal defamation provisions, the sedition law and the lesè majesté – to punish human rights defenders and activists, giving rise to concerns about violations of their rights to freedom of expression and assembly. In this regard, the Special Rapporteur fears not only for the judicial persecution of activists and defenders advocating human rights through journalistic work and online mediums such as blogs and social media, but for the potential chilling effect arising from the criminalization of their activities, which may dissuade the population, including human rights defenders, from exercising their right to freedom of opinion and expression, and voicing dissenting views within the State. This chilling effect may prove particularly destructive for fundamental freedoms within the State given the trial of several of those activists charged with criminal offences under the Criminal Code and the Computer Crimes Act before military courts. According to information received since the sending of the communication on this matter, the Special Rapporteur has received information alleging the sentencing of some of the individuals mentioned in the communication, as well as the development of criminal proceedings

against others. He urges the Government to ensure that the right to freedom of opinion and expression is respected within the country.

374. The Special Rapporteur is gravely concerned by the increase in risks faced by human rights defenders in Thailand following the seizing of power by the military junta in May 2014, amid serious concerns for democracy in the country. Reports received during the present reporting period indicate that over 600 individuals, including defenders and human rights activists have been detained, in multiple cases in conditions amounting to incommunicado detention, since the imposition of martial law in the State on 20 May 2014.

375. The Special Rapporteur expresses concern about the alleged threats and acts of intimidation against Ms. Charoensiri, which seem to be directly related to her activities as a human righs lawyer. The Special Rapporteur would like to underline that harassment of human rights lawyers designed to dissuade them from the continuance of their work bringing justice to the perpetrators of human rights violations committed by and within the State, contributes to weaken the state of human rights within the country. Further concern is expressed about the possible chilling effect such threats and intimidation may have on the independence of lawyers in Thailand. The Rapporteur reiterates his concerns in relation to the wave of arrests, including 14 university students, members of the New Democracy Movement (NDM). In July 2015 the 14 university students were released, however the Special Rapporteur laments that their release marked a momentary reprieve rather than the end of their punishment as they face possible prosecution and up to six months of further imprisonment for the protest, and another seven years imprisonment based on accusations of sedition. In connection to this matter, the Special Rapporteur urges the Government to review the compatibility of restrictive legislation with the States' international obligations in terms of human rights law.

376. The Special Rapporteur expresses grave concern for reports received during the present reporting period in relation to killings of human rights defenders in the country. The Special Rapporteur expresses extreme concern for the killings of Mr Pitan Thongpanang, Mr. Somsuk Kohkrang and Mr. Chai Bunthonglek, in each case by unknown assailants bearing firearms. He appreciates the information shared by the Government as to the development of the investigations into these killings, as well as the attempted killing of Mr. Suwit Jeh-Soh and his family, and the temporary incommunicado detention of Mr. Pianrat Boonrit, and urges the Government to ensure that these cases do not remain in impunity. The Special Rapporteur considers the killing of Mr. Thongpanang, who had been leading the legal challenge of his community against P & S Barite Mining Co. Ltd., in relation to violations of their right to water and environmental impact concerns; the killing of Mr. Kohkrang, an activist for the rights of landless farmers and a community leader who had challenged the legality of the granting of land titles to Saha Industry Palm Oil Co. Ltd; and the killing of Mr. Jeh-Soh, a community activist who had been leading his community in court-based opposition to the construction of a water-reservoir in the context of serious environmental impact concerns, to be cases emblematic of the serious risks currently faced by defenders working on such issues in the State. Since the sending of the communication to the Government raising these cases, the Special Rapporteur has received reports alleging the continuation of such attacks on defenders leading communities, and which indicate that they are being perpetrated by professional gunmen hired by third parties. The Special Rapporteur would like to emphasise the seemingly concentrated nature of these serious violations, which allegedly have targeted defenders engaged in the legislative pursuit of respect for the rights of rural communities and disenfranchised groups including landless farmers and peasants, in the context of their leading of opposition to mining projects, large-scale development projects, and the expansion of palm oil plantations, within the State's court system.

377. The Special Rapporteur urges the Government of Thailand to immediately end its harassment against human rights lawyer Ms. Sirikan "June" Charoensiri. She had been providing legal aid to the 14 students who were arrested on 26 June 2015 after carrying out peaceful protests calling for democracy and an end to military rule. The actions of the

police targeting students who were protesting peacefully, and then targeting the lawyer who comes to their defence, underscores the urgent need to restore respect for human rights in Thailand. On 9 February 2016, Ms. Chaeroensiri was charged with refusing to comply with a competent official and concealing evidence and a possible second charge, her court date will take place approximately one month after said date. The Special Rapporteur urges the Government of Thailand to drop the charges against Ms. Charoensiri as this represents an assault on the independence of the legal profession in Thailand. The Special Rapporteur urges the Government to allow human rights lawyers to perform all their professional functions without intimidation, hindrance, harassment or improper interference.

378. The Special Rapporteur expresses continuing concern in light of the persisting judicial action against Mr. Andy Hall. Concern is expressed that the indictment of Mr. Hall is based upon a complaint made in direct response to his legitimate and peaceful work as a human rights defender, in particular exercising his legitimate right to freedom of expression and the gathering and dissemination of facts concerning serious human rights violations within Thailand's fruit processing industry. Concern is also expressed at the use of criminal proceedings against Mr. Hall under defamation charges for reporting on alleged human rights violations perpetrated by the Natural Fruit Company. At the time of finalising this report, the Bangkok South Criminal Court had confiscated the passport of Mr. Hall and imposed a travel ban. He faces up to seven years in jail if found guilty in the trial, starting on 19 May 2016. The Special Rapporteur expresses his serious concern toward the persecution of Mr. Hall in direct response to his legitimate work as a human rights defender. .

Vietnam

379. JUA 25/11/2015 Case no: *VNM 2/2015* State reply: none to date

Alleged violations of the rights to life and security of two lawyers and human rights defenders, Mr. Tran Thu Nam and a colleague

380. The Special Rapporteur regrets that, at the time of finalising this report, no response has been received to the allegation letter sent on 25 November 2015. He urges the Government of Vietnam to provide a prompt reply to the communication.

381. The Special Rapporteur laments that the situation for human rights defenders in Vietnam has become increasingly tense in recent months, as the Vietnamese government tightened control ahead of the ruling communist party's National Congress in January 2016. There is a persistent pattern, in recent months, of physical assaults against human rights defenders and bloggers which are perpetrated either by police officers or unidentified people against government critics and social activists. Many human rights lawyers are among the victims of the intensified persecution by Vietnam's security forces. The Special Rapporteur urges the Government of Vietnam to take the necessary measure to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment without fear of threats or reprisals of any sort.

EUROPE AND CENTRAL ASIA REGION

382. During the present reporting period, the Special Rapporteur sent 32 communications to countries in the Europe and Central Asia region. He takes note of the response rate of 72% for the region, commending the higher response rate to the communications and looks forward to the remaining responses to the outstanding communication.

383. The Special Rapporteur expresses concern at the large number of arbitrary arrests and detention of human rights defenders, which have taken place throughout the region during the present reporting period, in apparent connection with their peaceful and legitimate human rights work. He is particularly concerned by the high percentage of cases

in relation to violations that include accounts of inadequate conditions of detention and mistreatment of defenders whilst they are detained. Physical attacks against defenders, at times at the hands of state security forces, as well as the threats against them and the arbitrary restriction of their freedom of movement, raise great concern about the attitude of State authorities towards defenders working in the region. In communications to a number of States, the Special Rapporteur has drawn attention to judicial harassment of defenders, including their trial, charging and sentencing. Further concern is expressed at the apparent trend of utilizing judicial means to criminalise human rights defenders and halt their legitimate human rights work, in particular through the issuing of lengthy judicial processes against them, despite the dearth of evidence of any culpability on their part, and failures of due process in legal proceedings against them, including violations of the right to access to independent legal representation and adequate medical care, as well as restrictions arbitrarily imposed on trial proceedings.

384. The Special Rapporteur emphasises concern at the extremely high risk faced by defenders in the region, who are working on issues of State and commercial corruption, environmental rights, and the rights of minorities and migrants, as well as acts of retaliation against such defenders for their work, including assassinations and threats of deportation in violation of the internationally recognised principle of non-refoulement. The Special Rapporteur wishes to remind the States of the crucial role of all human rights defenders, including those who work for the promotion and protection of economic, social and cultural rights, in the creation and development of just and equal society, and to underline the responsibility of States to create a safe and enabling environment in which they may work.

385. A further issue which continues to give rise to serious concern is the development of restrictive legislation with the summary effect of significant curtailment of the legitimate work of human rights defenders in the region. The targeting of civil society, legitimate peaceful protest, and freedom of opinion and expression through such means continues to be a matter of intense preoccupation, and to pose growing risks for defenders in the region.

386. During consultations with defenders from almost all countries of the region in November 2014, serious concern was conveyed to the Special Rapporteur about various trends in the targeting of human rights defenders. The challenges encountered by human rights defenders in the course of their work are reportedly increasing in light of steady movement towards authoritarianism in a number of States of the region, and a growing focus on issues of security at the expense of human rights in general. Risks being increasingly faced by defenders include their negative stereotyping and stigmatisation as enemies of the state and agents of foreign powers; their targeting by extremists groups, through slander, threats and attacks; failings in the independence of judiciaries; a further closing down of the space for civil society organisations to work on issues of human rights, and the emergence of government-sponsored civil society organisations, undermining civil society's being an independent voice for human rights.

Armenia

387. JAL 03/07/2015 Case no: *ARM 1/2015* State reply: *31/08/2015*; *06/10/2015*

Alleged excessive use of force by the police to disperse a peaceful demonstration in Yerevan, and subsequent arrest and detention of demonstrators, journalists and human rights monitors.

388. The Special Rapporteur thanks the Government of Armenia for its detailed response to the communication sent on 3 July 2015.

389. The Special Rapporteur takes note of the Government's response to the communication and welcomes the Government's commitment to democracy, fundamental freedoms and protection of human rights in Armenia. However, he expresses serious concern about the alleged excessive use of force by the police against peaceful protestors

and journalists, as well as the arrest and detention of demonstrators, journalists and human rights monitors. He encourages the Government must to that the policing of demonstrations strictly complies with international human rights norms and standards, including the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement. He encourages the Government to ensure that this commitment is translated in the way it responds to protests, through encouraging all parties to engage in a constructive dialogue and to refrain from violence

Azerbaijan

390. JUA 13/02/2015 Case no: AZE 1/2015 State reply: none to date

Allegations of arbitrary detention, poor detention conditions and ill-treatment in detention of a leading Azerbaijani human rights defender, Ms. Leyla Yunus.

391. JAL 29/05/2015 Case no: AZE 2/2015 State reply: 11/09/2015

Alleged pre-trial detention, charges and sentencing of human rights defenders as a result of their legitimate human rights work.

392. JUA 19/08/2015 Case no: AZE 3/2015 State reply: 11/09/2015

Alleged detention and sentencing of two human rights defenders, Ms. Leyla Yunus and Mr. Arif Yunusov, as a result of their legitimate human rights work.

393. JAL 31/08/2015 Case no: AZE 4/2015 State reply: 30/10/2015

Allegations of murder of an Azerbaijani journalist, Mr. Rasim Aliyev after allegedly criticizing a footballer on social media.

394. JUA 22/10/2015 Case no: AZE 5/2015 State reply: 12/01/2016

Alleged ill-treatment and inadequate detention conditions of a human rights defender, Mr. Intigam Kamil, whilst in detention.

395. PR 02/06/2015

"Azerbaijani activists must be freed before the Baku 2015 Games" – UN expert.

396. PR 20/08/2015

"Deeply distressing" – UN experts condemn latest prison sentencing of rights defenders in Azerbaijan.

397. The Special Rapporteur thanks the Government for the replies received to four of the five communications sent during the present reporting period.

398. The Special Rapporteur expresses serious concern for the situation of human rights defenders in Azerbaijan, following a year marked by a crackdown on independent human rights voices in the country, and the continuous persecution of human rights defenders within the country.

399. The Special Rapporteur condemns the sentencing of Mr. Intigam Aliyev and Mr. Rasul Jafarov to prison terms of seven and a half and six years respectively, on charges widely deemed to have been brought against them in direct retaliation for their work in the fields of human rights law and advocacy. He also reiterates most serious concern for the allegations of ill-treatment in pre-trial and current detention of Mr. Aliyev, and Mr. Jafarov, as well as their being held in inadequate conditions. Mr. Aliyev was awarded with the International Bar Association Human Rights Award in October 2015. The Special Rapporteur also raises concern for the situation of the journalist Ms. Khadija Ismayilova, who on 1 September 2015 was sentenced to seven and a half years' imprisonment by the Baku Court of Grave Crimes, on similar charges to Mr. Aliyev and Mr. Jafarov. The

Special Rapporteur laments numerous reports of the trials of the three human rights defenders falling below the internationally accepted standards of a fair trial and equality of arms. The Special Rapporteur calls for the immediate and unconditional release of Mr. Aliyev, Mr. Jafarov and Ms. Ismayilova and for all imprisoned human rights defenders in Azerbaijan.

400. The Special Rapporteur welcomes the decision to suspend on probation the sentences against Ms. Leyla Yunus and Mr. Arif Yunus, which was taken by the Baku City Court of Appeal on 9 December 2015, and their release from detention. However, he remains concerned at the charges that remain outstanding against them, and the limited nature of their freedom. Furthermore, he remains extremely concerned for their health conditions, which are reported to have seriously deteriorated during their period in detention, with allegations of the failure to provide them with adequate and independent medical assistance whilst detained. The Special Rapporteur considers this most recent development in the case against Ms. Yunus and Mr. Yunus to be a positive step towards ending the persecution of human rights defenders in Azerbaijan, and strongly urges all outstanding charges against them to be dropped and all restrictions on their freedom to be lifted. .

401. The Special Rapporteur expresses concern for the deterioration in the protection of fundamental rights and human rights defenders in Azerbaijan during the present reporting period, and fears the killing of the journalist Mr. Rasim Aliyev to be emblematic of the climate faced by independent and dissenting voices, as well as human rights activists in the State at the present time. The Special Rapporteur appreciates the response from the Government with information on the investigation into the death of Mr. Aliyev, and reminds the Government of their responsibility to protect all human rights defenders from any attacks, intimidation, harassment and assault of any sort.

Belarus

402. JUA 17/04/2015 Case no: *BLR 1/2015* State reply: *12/06/2015*

Allegations of death threats made against a human rights lawyer and activist, Mr. Leanid Sudalenka, as well as his family, for his legitimate and peaceful human rights work.

403. JAL 12/11/2015 Case no: *BLR 2/2015* State reply: none to date

Alleged detention, searching and charging of a human rights defender, Mr. Leanid Sudalenka.

404. The Special Rapporteur thanks the Government of Belarus for its response to the first joint communication sent on 17 April 2015; however he laments that he is yet to receive a response to the second joint communication.

405. The Special Rapporteur laments that both communications sent during this reporting period were related to the same human rights defender, Mr Leanid Sudalenka, who continues to face various forms of threats and harassment due to carrying out his peaceful and legitimate work. The constant persecution faced by him and many other human rights defenders in Belarus highlights the increasing movement towards authoritarianism in many States of the region. The Special Rapporteur urges the Government of Belarus to ensure that the right to freedom of opinion and expression is respected within the State, in order to allow human rights defenders to contribute to civil society in a free and open manner.

406. The Special Rapporteur wishes to remind the Government of Belarus of the recommendations which it accepted and noted at the Universal Periodic Review in May 2015, including to ensure that everyone, including human rights defenders, can peacefully exercise their right to freedom of expression and assembly in conformity with Belarus' obligations under the International Covenant on Civil and Political Rights and to intensify

its efforts to investigate, identify and, if applicable, punish alleged perpetrators of the harassment, arbitrary detention and torture of opponents of the Government, including journalists and human rights defenders.

France

407. JOL 03/02/2015 Case no: FRA 1/2015 State reply: 09/04/2015

Allégations concernant la mise en œuvre de la loi n° 2014-1353 du 13 novembre 2014 en matière de terrorisme.

408. Le Rapporteur spécial remercie le gouvernement pour sa réponse à la communication du 3 février 2015.

409. Au sujet de la communication envoyée concernant la loi n° 2014-1353 du 13 novembre 2014 en matière de terrorisme, le Rapporteur spécial remercie le gouvernement pour l'explication détaillée et substantielle reçue. Néanmoins, il continue d'être préoccupé par les effets de cette législation anti-terroriste et ses conséquences sur la restriction de la liberté d'opinion et d'expression. Il rappelle à l'Etat son obligation de mener la lutte anti-terroriste dans le respect de ses responsabilités internationales en matière de droits de l'homme, et veiller à ce que toute mesure prisen'entrave pas les activités ou la sécurité des individus, des groupes et des organes de la société qui œuvrent à la promotion et à la défense des droits de l'homme. Il rappelle que même dans le cadre de la lutte contre le terrorisme, toute loi doit être proportionnée, et en conformité avec le droit international et doit prévoir une protection adéquate contre les abus. Des articles de loi utilisant des termes et des définitions vagues pourraient conduire à une interprétation arbitraire et abusive de celle-ci. Elles risquent également de criminaliser des actes légitimes et d'inciter à l'autocensure, rendant la loi inapte à répondre aux exigences du droit international. Le Rapporteur réitère sa préoccupation quant au fait que cette loi puisse contribuer à la restriction des droits et libertés fondamentales des citoyens, essentiels pour une société transparente et démocratique.

Italy

410. JUA 28/08/2015 Case no: ITA 4/2015 State reply: none to date

Allegations of the arrest of a human rights defender, Mr. Rachid Mesli, and the imminent risk that he may be extradited to Algeria.

411. The Special Rapporteur laments that no response was received in relation to the joint communication that was sent on 28 August 2015.

412. The Special Rapporteur expresses concern at the decision by the Italian police to arrest Algerian human rights defender Mr Rachid Mesli at the Swiss-Italian border, as a result of an arrest warrant issued by the Algerian authorities in April 2002 on terrorism-related charges. However, he applauds the ruling by the Turin Court of Appeal to release Mr. Mesli, permitting him to return to his residence in Switzerland. The Court recognised Mr. Mesli's important and peaceful work in the defence of human rights, as well as the high risk of him facing torture if he were to be extradited to Algeria. The Special Rapporteur laments that the Interpol warrant issued by the Algerian authorities against Mr. Mesli was allegedly motivated by his work on the promotion and the defence of human rights in Algeria. The Special Rapporteur expresses concern at the abuse of the Interpol system to target human rights defenders and prevent them from carrying out their work.

Kazakhstan

413. JUA 02/04/2015 Case no: KAZ 1/2015 State reply: 22/05/2015

Alleged arbitrary arrest and detention of an environmental civil society activist, Mr. Saken Baikenov, in relation to the exercise of his rights to freedom of association and of opinion and expression.

414. JUA 31/08/2015 Case no: KAZ 2/2015 State reply: 12/10/2015

Alleged repeated arrests and detentions of a lawyer and human rights defender, Mr. Ermek Narymbaev, for his role in convening a peaceful assembly and denouncing corruption cases.

415. JAL 06/10/2015 Case no: KAZ 3/2015 State reply: 26/10/2015

Allegations of potential human rights violations as a result of a draft law relating to the activities of non-governmental organizations which, if adopted with no further changes, may seriously compromise the independence and existence of civil society organizations in Kazakhstan.

416. JAL 15/10/2015 Case no: KAZ 4/2015 State reply: 26/10/2015

Allegations of the imminent adoption of draft law on non-governmental organizations that may result in violations to freedom of association and freedom of expression.

417. PR 01/09/2015

UN expert raises alarm as Kazakhstan jails twice a rights defender for convening a peaceful assembly.

418. The Special Rapporteur thanks the Government of Kazakhstan for its responses to all of the communications sent during the present reporting period.

419. The Special Rapporteur expresses concern regarding the alleged arbitrary arrest and continued detention of Mr. Saken Baikenov. The charges brought against him under Article 174 of the Criminal Code may be directly related to his legitimate work in defense of human rights and to the exercise of his rights to freedom of expression and freedom of association and peaceful assembly The Special Rapporteur reminds the Government of Kazakhstan that restrictions to the right to freedom of expression must be applied strictly and exceptionally, must be provided for by law and must conform to the strict tests of necessity and proportionality. Legislation must be crafted with care to ensure that possible restrictions comply with these standards and that they do not serve, in practice, to stifle freedom of expression.

420. The Special Rapporteur laments that the new Criminal and Administrative Codes, which entered into force in January 2015, contain a number of provisions that restrict freedom of expression, association and assembly, and that these may be used to penalize legitimate civil society activities. The Special Rapporteur laments the vaguely worded Criminal Code provisions on "inciting" social, national or other "discord" and "spreading false information", which has repeatedly been used against human rights defenders, civil society activists and other outspoken individuals, to condemn their use of the right to freedom of expression.

421. The Special Rapporteur reminds the Government that legitimate exercise of the right to freedom of expression is of central importance in the effective functioning of a democracy and in circumstances of public debate concerning public figures and institutions. Forms of expression which are deemed to be critical of public figures are not sufficient to justify the imposition of penalties. The Special Rapporteur expresses concern in relation to the case of Mr. Ermek Narymbaev, arrested and sentenced to 20 days of detention, for "organizing an unauthorized public event". As prior authorisation is needed to hold any protest, there is a common trend by authorities to routinely disperse, hold and detain organisers and participants for any protest which they deem as "illegal". The Special Rapporteur laments that many well-known human rights defenders and civil society activists are often "preventively" detained ahead of planned events. The Special Rapporteur

laments that Mr. Narymbaev was sentenced to three years imprisonment on 22 January 2016 in relation to a post he made on *Facebook*. The Special Rapporteur wishes to remind the Government that civil society actors are key players in securing sustainable human rights protection, and therefore it is essential that they can operate freely. The Special Rapporteur would like to echo the Special Rapporteur on freedom of peaceful assembly and of association's concern following an official visit to Kazakhstan in which he concluded that the government's approach to regulating assemblies deprives the right to freedom of assembly and of association of its main purpose.

422. The Special Rapporteur is deeply concerned at the law, which was eventually adopted on 2 December 2015 related to allocation of governmental and non-governmental grants. The law introduced a monopoly of one single operator to distribute grants irrespective of sources, including those from international organizations, diplomatic missions or international non-commercial organizations. The Special Rapporteur believes that this will give the Government a veto over which non-governmental organisations receive funding, and for what kind of activities, even though the Government insists they will ensure equal access to all non-governmental organisations to government grants. Moreover, this will place onerous limits on non-governmental organisations operating in the country and provide the operator with the power to arbitrarily restrict the ability of civil society to access resources and to control the civic sector, in violation of international human rights law and standards. Although public consultation on this law was been undertaken with civil society organisations, it is reported that their concerns have not been adequately taken into account by the authorities. The Special Rapporteur further expresses serious concern that several provisions of the law may compromise the independence of civil society organisations and the competence of the new operator may contravene international human rights standards related to freedom of association and freedom of expression, including the ability of civil society organisations to access funding.

Kyrgyz Republic

423. JAL 30/07/2015 Case no: KGZ 2/2015 State reply: none to date

Allegations of increased targeting of human rights defenders and civil society organisations, by both State and non-State actors, including in the context of retrogressive draft legislations and amendments.

424. The Special Rapporteur regrets that at the time of finalising this report, no response has been received from the Government of the Kyrgyz Republic.

425. The Special Rapporteur laments, that despite widespread criticism of the draft "foreign agents" law, it was passed by the parliament in the first reading in early June 2015. At the time of finalizing this report the draft law is still pending a final vote in parliament. In this draft law, the Government requires non-commercial, non-governmental, organisations involved in "political activities" and receiving funds by foreign sources to register as "foreign agents". It would allow for further control of NGOs and civil society organisations. Additionally it provides for a change of the criminal code where anyone responsible for the creation of an NGO deemed to "incite citizens to refuse to fulfil their civic duties" could receive a sentence of up to three years imprisonment. The Special Rapporteur sees this as posing a serious threat to civil society, where access to funds is being restricted, controlled but also stigmatized through the labelling of "foreign agents". The law also grants authorities new, broad powers to interfere in the internal affairs of non-governmental organisations, thus imposing clear restrictions on the fundamental freedom of association and assembly.

426. The Special Rapporteur expresses his deep concern at the increase of verbal attacks, intimidation and harassment against civil society groups, Open Viewpoint Public Foundation, Bir Duino – Kyrgyz, Labrys and Association of human rights non-governmental organisations "Human Rights Advocacy Centre" and human rights defenders

and lawyers, Mr. Dmitry Kabak, Mr Khusanbay Saliev and Mr. Valerian Vakhitov, in Kyrgyzstan. The President stated at a press conference in July 2015 that many non-governmental organisations promote the political interests of foreign donors and are betraying national values. The Special Rapporteur is concerned at the case of investigative officers who carried out searches of the Osh branch office of the Bir Duino-Kyrgyzstan Human Rights Movement, as well as the homes of two of its lawyers, Mr. Saliev and Mr. Vakhitov, in March 2015, confiscating case material related to dozens of individual cases. These searches were subsequently deemed unlawful by the courts in three separate rulings that were upheld by the Supreme Court in late June 2015. Many human rights defenders' lawyers are among the victims of the intensified persecution by Kyrgyzstan authorities, which strive to prevent the formation of any opposition parties or movements. The Special Rapporteur urges the Government of Kyrgyzstan to take the necessary measure to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment without fear of threats or reprisals of any sort.

427. On 7 April 2015, the representative office of Human Rights Watch (HRW) in Bishkek submitted applications to the Ministry of Youth, Labour and External Migration for the renewal of work permits of the office's three international staff. On 5 June 2015, the HRW office was informed by the Labour Ministry that work permits had been granted for two of the office's three foreign staff. Ms. Mihra Rittmann, who is the representative of the HRW office, was denied a work permit without a written explanation for this decision and also banned from entering the country. At the time of finalising the report, the Special Rapporteur laments that the office of the Ministry for Foreign Affairs stated the matter was closed. Moreover, HRW received a letter from the Migration Agency stating that it should take up the matter with the State Committee for National Security (GKNB), which they have done and are still awaiting a response. The Special Rapporteur urges the Government to issue the HRW staff member with her work permit or provide the legal ground for not renewing her permit, so she can continue with performing her important human rights work.

428. The Special Rapporteur reminds the Government of Kyrgyzstan of the recommendations which it accepted at the Universal Periodic Review in January 2015 to empower legal advisers in parliament to review draft laws and policies, incorporate input from civil society and experts in the international community, and oppose legislation that is inconsistent with international human rights obligations and commitments and ensure that any legislation on NGOs is fully in line with international human rights law, including freedom of expression and freedom of association.

Lithuania

429. JAL 09/09/2015 Case no: *LTU 1/2015* State reply: *17/12/2015*

Alleged denial of entry to Lithuania of human rights and minority rights defender, Mr Aleksandrs Kuzmins, as well as two other conference participants, to attend an international roundtable on minority rights.

430. The Special Rapporteur thanks the Government of Lithuania for its response to the 9joint communication sent on 9 September 2015.

431. The Special Rapporteur expresses grave concern of the refusal of entry of human rights and minority rights defender Mr Aleksandrs Kuzmins, who is a citizen of Latvia, and two other conference participants, Mr. Aleksandrs Rzavinst and Mr. Joseph Koren, to enter Lithuania to attend an international roundtable on minority rights. Mr. Kuzmin was allegedly refused entry on the basis of "threats to national security". The Special Rapporteur expresses concern that the harassment, intimidation and finally, denial of entry of Mr. Kuzmin, appears to be related to Mr. Kuzmins human rights activities including advocacy on minority rights and criticisms of policies in Lithuania regarding issues of minority language rights and alleged de facto toleration of hate speech in the country, and

thus appears to be direct acts of retaliation to the legitimate exercise of the right to freedom of opinion and expression.

Norway

432. JAL 24/07/2015 Case no: *NOR 1/2015* State reply: *22/09/2015*

Alleged investigation of human rights organization Global Network for Rights and Development (GNRD) and its President, Mr Laoi Deeb.

433. The Special Rapporteur thanks the Norwegian Government for its response to the communication sent on 24 July 2015.

434. The Special Rapporteur thanks the Norwegian Government for its response to the communication dated 24 July 2015, in which the Government provides a detailed response to the allegations concerning investigations into Mr. Loai Deeb, President of the Global Network for Rights and Development by the National Authority of Investigation and Prosecution of Economic and Environmental Crime. The Special Rapporteur notes the Government's clarifications that the normal procedures were followed according to the Criminal Procedure Act, that there was no search of the accountant's office and that Mr. Deeb's 10-year old child was not detained or questioned by the police.

Russian Federation

435. JUA 22/12/2014 Case no: *RUS 10/2014* State reply: *13/02/2015*

Allegations of an arson attack on the premises of a human rights organization, Joint Mobile Group, and intimidation and harassment of human rights lawyers.

436. JAL 24/07/2015 Case no: *RUS 3/2015* State reply: *29/09/2015*

Allegations of charges brought against human rights defender, Mr. Konstantin Golava, following his arrest, interrogation, the search of his home and his inclusion on the 'list of active extremists'.

437. JAL 07/08/2015 Case no: *RUS 4/2015* State reply: *16/11/2015*

Alleged targeting and criminalization of environmental human rights defender, Ms. Nadezdha Kutepova, and the inclusion of the organisations Planet of Hopes to the "foreign agent" list of a human rights organisation in Ozersk, Chelyabinsk region of the Russian Federation.

438. JAL 02/09/2015 Case no: *RUS 5/2015* State reply: none to date

Allegations of murder and inadequate investigation into the death of a Russian journalist, Mr. Akhemednabi Akhmednabiyev, related to the exercise of his legitimate rights to freedom of expression and opinion.

439. JAL 05/11/2015 Case no: *RUS 7/2015* State reply: none to date

Retrospective charging and trial of human rights defender, Ms. Tatiana Kotlyar.

440. The Special Rapporteur thanks the Government for the reply received to three of the five communications sent during the present reporting period. However, he regrets, as of the finalization of this report, to have received no reply to the communications sent on 2 September 2015 and 5 November 2015.

441. The Special Rapporteur expresses concern for the continuing insecurity produced by the environment in which human rights defenders are forced to operate in in the Russian Federation. Extreme concern is expressed for the continued persecution of defenders in the course of the work, both by State and non-State actors, through their arbitrary arrest and

detention; their judicial harassment and criminalization, including through the undue application of the so-called 'Foreign Agent Law', by which human rights defenders, and human rights organisations and associations are also severely stigmatized and delegitimized publicly and their physical assault, harassment and continued impunity surrounding attacks on them, as in the case of the journalist Mr. Akhemednabi Akhmednabiyev, killed in July 2013 in alleged connection with his independent journalistic activities, including his writing on human rights issues.

442. The Special Rapporteur expresses severe concern for the reports of further attacks on the Joint Mobile Group and its members, Mr. Sergei Babinets, Mr. Dmitry Dimitriev and Mr. Igor Kalyapin, following on from the arson attack on their offices in the Chechen Republic, concerns for which, amongst other acts of harassment and intimidation of the Joint Mobile Group, were communicated to the Government in a joint urgent appeal sent on 22 December 2014. According to the information received, on 3 June 2015, the offices of the Joint Mobile Group in the Chechen capital, Grozny, were set upon by a group of individuals who forced their way into the office, where staff members of the organisation were working, and proceeded to ransack the premises. In light of these reports, the Special Rapporteur urges the Government to take all possible measures to ensure the protection of members of the Joint Mobile Group, and to bring about a safe and enabling environment for the continuance of their human rights work, including through providing public support for their essential, legitimate and peaceful human rights work.

443. The Special Rapporteur thanks the government for its response in relation to the case of against human rights defender, Mr. Konstantin Golava and recognises that Mr. Golava has been condemned based on what is considered an offence under article 282, paragraph 1, of the Criminal Code of the Russian Federation, However, he expresses concern that his legitimate use of the right to freedom of opinion and expression, criticizing the Russian authorities, were wrongly characterised as "materials aimed at inciting hatred or enmity and at the abasement of the human dignity of an individual or group, on the grounds of ethnicity, race or origin". The Special Rapporteur reiterates his concern that the arrest, detention and charges against Mr. Golava aim at silencing his criticism, and that it further contributes to a chilling effect on all human rights defenders in their exercise of the right to seek, receive and access information and the right to freedom of opinion and expression, due to fear of criminalization and prosecution as a consequences of freely expressing their opinions online or offline, in particular in relation to the Government and its policies.

444. The Special Rapporteur wishes to thank the government for the substantial response received to his communication sent 7 August 2015 concerning the Joint Mobile Group, as well as that of Ms. Nadezdha Kutepova, and her non-governmental organisation, Planet of Hopes, that on 15 April 2015 was included on to the 'foreign agent' list by the Ministry of Justice,. The Special Rapporteur wishes to reiterate his concerns from the previous reporting period, concerning the undermining of the right to freedom of association in the Russian Federation, through the selective and arbitrary application of inherently restrictive legislation, and public campaigns of slander and delegitimization, with the aim of silencing dissenting voices in the State, and curbing the growth of a strong and independent human rights focused civil society.

445. The Special Rapporteur would like to thank the Government for the response received on 8 February 2016 in relation to the case of Ms. Tatiana Kotlyar, a human rights defender working particularly on minority and migrant rights. At the time of finalizing the report the response was in process of being translated. The Special Rapporteur reiterates his concern in light of the judicial processes brought against Ms. Kotlyar in connection to her allowing migrants to register her home as their place of residence in order to enable them to apply for citizenship. According to information received by the Special Rapporteur subsequent to the sending of the communication, on 9 November 2015, Ms. Kotlyar was found guilty by the Magistrates Court of Obninsk of violating articles 322.2 and 322.3 of the Criminal Code of the Russian Federation, and sentenced to a fine of 150 000 rubles (approximately 1900 USD). Concern is expressed that her sentencing is based on

allegations made against her retrospectively, given their connection to events which took place prior to the amendment of the relevant legislation, and its potential criminalizing of the activities in which Ms. Kotlyar was engaged. Further concern is expressed that the judgement shall have a deteriorating effect on human rights defenders working on issues of migrants rights within the state.

Spain

446. JOL 05/02/2015 Case no: *ESP 1/2015* State reply: *06/02/2015*; *19/03/2015*

Alegaciones relativas a las disposiciones del Proyecto de Ley Orgánica de Protección de la Seguridad Ciudadana (PLOPSC), las cuales contradecirían normas y estándares internacionales en materia de derechos humanos.

447. JAL 13/02/2015 Case no: *ESP 4/2015* State reply: none to date

Reiteración de alegaciones relativas a las disposiciones del Proyecto de Ley Orgánica de Protección de la Seguridad Ciudadana (PLOPSC), las cuales contradecirían normas y estándares internacionales en materia de derechos humanos.

448. JUA 17/06/2015 Case no: *ESP 7/2015* State reply: *02/11/2015*

Alegaciones de actos de represalia en contra de un detenido, y obstrucción del trabajo de varios miembros de una institución de derechos humanos, por denunciar actos de tortura en un centro penitenciario.

449. PR *23/02/2015*

"Two legal reform projects undermine the rights of assembly and expression in Spain" – UN experts.

450. El Relator Especial agradece al Gobierno las respuestas proporcionadas a dos de las tres comunicaciones enviadas durante el período del presente informe.

451. Con respecto a la Ley Orgánica de Protección de la Seguridad Ciudadana agradecemos el Gobierno por la respuesta detallada y explicativa a la comunicación enviada el 5 de febrero 2015. El Relator Especial toma nota de la entrada en vigor el 1 julio 2015 de la Ley Orgánica de Protección de la Seguridad Ciudadana (PLOPSC). El Relator agradece el gobierno por las aclaraciones relacionadas con las disposiciones de la ley, y la información acerca de la colaboración con diferentes organismos como el comisario de Migración, Asuntos de Interior y Ciudadanía, el Comisario Europeo contra el Racismo y la Intolerancia y la Representación Oficial de ACNUR en España, mostrando su voluntad de que la nueva legislación cumple con las obligaciones internacionales del Estado en materia de derechos humanos y protección. Toma nota de la enmienda que se refiere específicamente a los derechos de asilo y el reconocimiento de la condición de refugiado, para asegurar que sus derechos estén de acuerdo con las normas y las obligaciones internacionales de protección. Sin embargo, el Relator quisiera reiterar su preocupación acerca de las disposiciones de la ley que podrían restringir indebidamente el ejercicio legítimo del derecho a la reunión pacífica y el derecho a la libertad de expresión y opinión. El Relator quisiera recordar las disposiciones del Pacto Internacional de Derechos Civiles y Políticos, así como de la Resolución 22/6 del Consejo de Derechos Humanos que insta a los Estados a asegurar que la legislación destinada a garantizar la seguridad pública y el orden público contiene disposiciones claramente definidas en consonancia con el derecho internacional de los derechos humanos y que no se utilicea para impedir o restringir el ejercicio de otros derechos y no obstaculice el trabajo y la seguridad de los individuos, los grupos y las instituciones de la sociedad dedicados a la promoción y defensa de los derechos humanos.

452. El Relator Especial agradece la explicación detallada proporcionada porel Gobierno acerca de las alegaciones sobre actos de represalias contra el Sr. José Antúnez Becerra y sobre obstáculos al trabajo de miembros del Observatorio del Sistema Penal y Derechos Humanos de la Universidad de Barcelona (OSPDH). El Relator Especial gradece al Gobierno la información recibida sobre las medidas tomadas en favor de la prevención de represalias pororganismos que controlan la administración penitenciaria española. . El Relator Especial reitera su preocupación por la integridad fisca y emocional, asi como por el estado de salud del Sr. Antúnez Becerra. De igual manera recalca la obligación del Estado de garantizar un entorno propicio y seguro para el legítimo desarrollo de las actividades del OSPDH, así como para todos los defensores de derechos humanos en España.

Tajikistan

453. JAL 03/12/2014 *Case no: UK 6/2014* State reply: 19/01/2015[7]

Allegations concerning the curtailing effect of proposed amendments to the Law on Public Associations, if adopted, on the right to freedom of association.

454. JUA 17/02/2015 Case no: *UK 2/2015* State reply: 02/04/2015[8]

Alleged arbitrary detention, prosecution and sentencing of a human rights lawyer, Mr Shukhrat Kudratov.

455. The Special Rapporteur thanks the Government of Tajikistan for his response to both of its communications sent in this reporting period.

456. The Special Rapporteur acknowledges the receipt of a response from the Government to the joint communication sent 3 December 2014 and appreciates the information provided on the process of the draft revision. He commends the Government for its efforts to ensure transparency and appreciates the aim to combat money-laundering and financing of terrorism. Nevertheless he wishes to reiterate the concern that the new requirements provided in the bill, such as inspections and a procedure on registration of all funds received by non-governmental organisations, will create a burden for civil society organizations operating in Tajikistan and could deter them from seeking resources from foreign sources, in a context of already limited public funding for non-governmental organisations. Additionally, while the Special Rapporteur appreciates that the Government held a round table for discussion of the bill with participants from international organisations and development agencies, he is concerned that the general public, including members of associations, were reportedly not given the opportunity to submit their views on the amendments. The participatory, inclusive and transparent process of consultation and review of draft laws, in particular those affecting fundamental rights such as the right to freedom of association, contributes to strengthening the legal framework for the protection and promotion of human rights. At the time of writing this report, the bill has been finalised and submitted to the Government for consideration.

457. The Special Rapporteur expresses deep concern at the sentencing of human rights lawyer Mr. Shukhrat Kudratov to nine years in prison following a politically motivated trial for fraud and bribery. His sentence was later reduced after an appeal, to three years. The worrying crackdown in terms of arrests, imprisonment, and intimidation of several other lawyers, who were known for taking on politically sensitive cases, represents an assault on the independence of the legal profession in Tajikistan. The Special Rapporteur urges the Government to allow human rights lawyers to perform all their professional functions without intimidation, hindrance, harassment or improper interference.

[7] At the time of publishing no translation for this response was available.
[8] At the time of publishing no translation for this response was available.

The Former Yugoslav Republic of Macedonia

458. JUA 20/05/2015 Case no: MKD 2/2015 State reply: 30/07/2015 18/09/2015

Alleged arbitrary arrest, detention and prosecution of a large number of individuals in the context of peaceful protests in the city of Skopje between 5 and 13 May 2015.

459. The Special Rapporteur thanks the Government for its response to the joint communication sent on 20 May 2015.

460. The Special Rapporteur wishes to thank the government for the replies to the communication sent on 20 May 2015 regarding events in Skopje during that same month. He recognizes the Governments right to stop violent and aggressive protest and is thankful for the substantial information on the arrests and legal processes following the events. He still wishes to remind the Government of international laws and standards in relation to the right to peaceful protest and would ask the Government to refrain from resorting to violence and criminalization of those who participate in peaceful protests. He trusts that a constructive dialogue and restraint will be used by State security forces and all parties involved in order to avoid escalation of unrest during peaceful protests in the future.

Ukraine

461. JAL 16/10/2015 Case no: UKR 5/2015 State reply: none to date

Physical assault of and threats against defender of rights of LGBTI persons, Mr. Nick Carter.

462. The Special Rapporteur regrets that at the time of finalising this report no response had been received from the Government of Ukraine to the joint communication sent on 16 October 2015.

463. The Special Rapporteur expresses his concern in relation to the threats to and harassment of defenders of LGBTI persons rights in Ukraine, as per the communication sent in October. He is concerned with the intimidation and attack suffered by Mr Nick Carter, a human rights defender who works to defend the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and to raise awareness on the subject of discrimination against members of the LGBTI community in Ukraine. The Special Rapporteur fears the attack may be related to his sexual orientation or perceived sexual orientation, and in particular the public nature of his work in defence of their rights, and the exercise of his legitimate right to freedom of expression and opinion. The Special Rapporteur further expresses concern at what appears to be a lack of an investigation on the part of the authorities into the alleged attack on Mr. Carter. The Special Rapporteur urges the Government to combat negative stereotypes that LGBTI persons endure, and which result in discrimination, and also to contribute to improving the social acceptance of LGBTI persons within the Ukrainian society.

464. The Special Rapporteur welcomes the recently approved bill that bans discrimination against gay people at work, after being rejected four times. However, there still remains more work to be done in order to obtain non-discrimination against all LGBTI people. Transgender people have to take a number of additional steps in order to be listed on documents in their preferred gender. The Special Rapporteur laments that such requirement violates fundamental rights and creates a barrier for instance for transgender persons seeking employment.

United Kingdom and Northern Ireland

465. JUA 02/12/2014 *Case no: GBR 6/2014* State reply: *26/02/2015*

Alleged arbitrary detention and risk of persecution, torture and killing upon deportation from the United Kingdom to Pakistan of asylum seeker, Mr. Liaquat Ali Hazara.

466. The Special Rapporteur thanks the Government of the United Kingdom and Northern Ireland for its response to the joint communication sent on 2 December 2014.

467. The Special Rapporteur welcomes the decision of the Government to grant prominent human rights activist and campaigner for a Shia minority group, Mr. Liaquat Ali Hazara bail in May 2015 before his appeal against deportation. The Special Rapporteur notes with appreciation that Mr. Hazara's asylum claim has been given careful consideration by the relevant authorities and that the proceedings were carried out in a proper manner. Mr. Hazara may face persecution, torture and death if forcibly returned to Pakistan. The Special Rapporteur urges the Government not to issue the Emergency Travel Document as requested by the Home Office for the High Commission for Pakistan as this would go against Article 3 of the Convention Against Torture, ratified by the United Kingdom and Northern Ireland in 1988.

Uzbekistan

468. JUA 27/04/2015 Case no: *UZB 1/2015* State reply: *26/06/2015*

Allegations of a new criminal case brought against a human rights defender, Mr. Azamjon Formonov, after having served a nine year prison sentence as a result of his human rights work.

469. JAL 24/08/2015 Case no: *UZB 2/2015* State reply: none to date

Allegations of judicial harassment of a human rights defender, Mr. Shukhrat Rustamov, including the declaration by a Court that he is "mentally incompetent".

470. The Special Rapporteur thanks the Government for its response to one of its communications sent during the present reporting period. However, he regrets that, as of the finalization of this report, no reply has been received to the joint communication sent on 24 August 2015.

471. The Special Rapporteur expresses his concern at the numerous human rights activists, independent journalists and dissidents who remain in prison on politically motivated charges. There are serious concerns about their health and well-being due to bad prison conditions and widespread torture and ill-treatment. The practice of arbitrarily extending the sentences of certain prisoners whose sentences are expiring is a severe breach of fundamental human rights. Such prisoners are typically charged with disobeying the orders of prison authorities and given new sentences in closed trials. As the timing of the trials is announced only shortly beforehand, defence lawyers are often not able to attend. The relatives of prisoners are also often not informed about the trials. The Special Rapporteur is extremely concerned at the case of human rights defender Mr. Azamjon Formonov, who a few days ahead of his release in April 2015, after nine years in detention, was tried without legal representation for allegedly violating detention facility rules and sentenced to another five years and 26 days. The Special Rapporteur is extremely concerned for the physical and psychological integrity of Mr. Formonov along with other human rights defenders who are being denied the necessary medical treatment and subjected to torture while in detention.

472. The Special Rapporteur expresses his deep concern regarding the decision of the Shakhantahurskij Regional Court to declare Mr. Shukhrat Rustamov "mentally incompetent" reportedly in the absence of any medical examination and the consequent risk

that he may be forcibly administered psychiatric treatment against his will at a later date. Further concern is expressed that the threat of such action against Mr. Rustamov could represent a form of intimidation and harassment and may be used in order to dissuade him and others from continuing their peaceful and legitimate work advocating for human rights in Uzbekistan exercising their right to freedom of opinion and expression.

MIDDLE EAST AND NORTH AFRICA REGION

473. During the present reporting period the Special Rapporteur sent 35 communications to countries in the Middle East and North Africa region. He takes note of the response rate of 59% for the region, which is a decrease from 65% from last year's reporting period. The Special Rapporteur encourages the Governments in the region to fully cooperate and respond to the communications sent during this reporting period.

474. The Special Rapporteur expresses his concern at the widespread practice of bringing unsubstantiated charges against human rights defenders, and affecting their judicial harassment, as a means of putting an end to their essential and legitimate human rights activities. In light of information received by the Special Rapporteur from various sources during the present reporting period, concern is expressed that this is a practice being employed in many States of the region. Concern is also expressed that this practice often involves the holding of human rights defenders in pre-charge and pre-trial detention for extremely lengthy periods of time, often without access to legal representation, and frequently resulting in their eventual sentencing to long prison terms, following trials of severely suspect fairness. Following the raising of similar concerns in the previous reporting period, extreme concern is expressed at the growing prevalence of these practices within the region.

475. Further concern is expressed at the ill-treatment of defenders whilst held in state detention facilities, and the numerous communications sent during the current reporting period to raise cases of the alleged torture of human rights defenders, and in some instances their enforced disappearance. He is particularly concerned by the high percentage of communications sent to open dialogue with Governments in relation to the alleged involvement of state security services, police, and prison authorities in the perpetration of violations and attacks against human rights defenders as a result of their legitimate activities.

476. The Special Rapporteur wishes to underline his heightening concern for acts of reprisals faced by human rights defenders from many countries in the region, in the aftermath of their interaction with international human rights mechanisms, and in particular mechanisms of the United Nations. Most worrying in this regard is the severity of the reprisals faced in some cases, which have amounted to the arbitrary arrest, incommunicado detention, enforced disappearance and the charging and travel bans of defenders.

477. A further issue of concern, which echoes the situation in many regions during the present reporting period, is the persecution of defenders in the context of increasing focus being placed by Governments on matters of State security. In this context, human rights defenders have been seen to be publicly depicted by State authorities as unpatriotic, enemies of the State, controlled by foreign parties and motivated by dishonourable, incited and extremist interests. Furthermore, they have suffered following the implementation of counter-terrorism and security legislation, which has been used to restrict and silence defenders whose legitimate work at times necessitates constructive criticism of State practices. The Special Rapporteur would like to remind States of the region of their responsibility to publicly promote the work of human rights defenders, and to emphasise the usefulness of positive public shows of support for them, as a means of adding to their protection as they continue with their human rights advocacy.

478. During consultations held with human rights defenders in the region in October 2014, several common trends were communicated to the Special Rapporteur. These

extremely concerning trends, which should be considered as further to those above-detailed, were claimed to include significant restriction on freedom of assembly, with its effective banning in many states and its severe restriction in others through the requirement of State permission in order to hold a manifestation; the curbing of freedom of association through legal and administrative restrictions on the formation and operation of non-governmental organisations; routine attacks against human rights defenders by State and non-State actors, including their kidnapping, enforced disappearance and torture; and the online and offline surveillance of human rights defenders.

479. Further to these concerns, information was also communicated to the Special Rapporteur during the regional consultation highlighting increased risks faced by groups of human rights defenders as a result of their human rights work. This information has subsequently been compounded by reports and urgent appeals received by the Special Rapporteur in relation to many States of the region, during the present reporting period. As such, the Special Rapporteur expresses extreme concern for women human rights defenders, journalists working both offline and online, and human rights lawyers, all of whom are suffering from intensifying attacks in the course of their work promoting and protecting human rights. He calls on States of the region to take immediate steps to ensure their protection and to work towards the development of a safe and enabling environment in which they may continue their legitimate and peaceful work without fear of intimidation, harassment or reprisal of any sort, from either State or non-State actors.

480. Focusing on events of the region, it is evident that the situation for all human rights defenders is a cause of great concern. However, women human rights defenders are facing specific obstacles and risks. State agents and other armed groups are committing atrocities against all human rights defenders, but in the case of women, these violations frequently take on a sexual nature and often include threats against their family members. In addition, women can be confronted with significant threats by non-State actors, including community leaders, religious leaders, and family members.

Bahrain

481. JUA 18/12/2014 Case no: *BHR 15/2014* State reply: none to date

Allegations of the sentencing of three human rights defenders linked to their peaceful activities advocating for human rights.

482. JUA 16/01/2015 Case no: *BHR 1/2015* State reply: *12/02/2015*

Alleged arbitrary arrest, detention and prosecution of the Secretary-General of the main opposition political party in Bahrain, Sheikh Ahmed Ali al-Salman.

483. JUA 15/04/2015 Case no: *BHR 2/2015* State reply: *18/05/2015*

Allegations of arrest and detention of Mr. Nabeel Rajab, a human rights defender, following his public denouncement of torture and ill-treatment in Jaw Prison in Bahrain.

484. JAL 21/08/2015 Case no: *BHR 5/2015* State reply: none to date

Alleged arrest and interrogation of Bahraini inter-faith activist and human rights defender, Sheikh Maytham Al-Salman for reportedly making comments "inciting hatred" against the Bahraini authorities.

485. JUA 27/11/2015 Case no: *BHR 9/2015* State reply: 12/12/2015[9]

[9] At the time of publishing no translation for this response was available.

Alleged arbitrary detention and prosecution of the Secretary General of the main opposition political party in Bahrain, Al-Wefaq National Islamic Society, and a well-known religious figure in the country.

486. PR *29/12/2014*

UN experts urge Bahrain to drop charges against women activists for government criticism.

487. PR *04/02/2015*

UN rights experts urge release of opposition politician detained for peaceful expression.

488. PR *16/07/2015*

Freed from jail, now all charges against Nabeel Rajab must be dropped.

489. The Special Rapporteur thanks the Government for the replies received to the communications sent during the present reporting period, noting the translation of one was not available at the time of publishing. He encourages the Government to provide replies to the remaining communications.

490. The Special Rapporteur expresses concern for the situation faced by human rights defenders in the country given the number of communications sent detailing their alleged arrest, detention and sentencing. The Special Rapporteur laments the apparent criminalization of human rights defenders, and in particular those engaged in human rights advocacy through the legitimate exercise of their rights to freedom of expression, opinion, freedom of assembly and association. The Special Rapporteur would like to stress the responsibility of the Government to ensure the protection of these fundamental freedoms and to promote their enjoyment in society. He further highlights the essential nature of the seizing of this responsibility by the Government in order to provide human rights defenders with a free, secure and enabling environment in which to carry out their crucial human rights work. The Special Rapporteur expresses grave concern for the pattern of persecution of human rights defenders by State actors, in direct retaliation for their legitimate and peaceful human rights work.

491 The Special Rapporteur laments information received as to developments in the cases of Ms. Zainab Al-Khawaja and Ms. Ghada Jamsheer, who continue to face severe judicial harassment. Amongst several on-going judicial proceedings against her, on 5 May 2015, Ms. Jamsheer was sentencedby the Bahrain High Criminal Court to one year imprisonment, suspended for three years, on charges of assaulting a police officer. On 9 June 2015, she was sentenced by the Third Lower Criminal Court to one year and eight months' imprisonment on charges of defamation in connection with statements made concerning alleged corruption in the management of King Hamad Hospital in Bahrain. On 21 October 2015, the sentence to three years' imprisonment on charges of tearing a picture of the King of Bahrain was reduced at the High Court of Appeal to one years' imprisonment and a large fine, leaving her at risk of immediate imprisonment. The Special Rapporteur expresses extreme concern for the continued processes and the sentencing in absentia brought against Ms. Maryam Al-Khawaja. He calls on all outstanding charges against the three individuals to be dropped immediately and unconditionally.

492. The Special Rapporteur expresses concern for the arrest and bringing of charges against Mr. Nabeel Rajab, allegedly in connection to his legitimate documentation of torture, ill-treatment and inadequate detention conditions of prisoners in Jaw prison, and for that of Sheikh Maytham Al-Salman, for making critical comments about Bahraini authorities. The Special Rapporteur fears that the actions taken against the two human rights defenders, both of whom have since been released and placed under travel bans as they await the processing of their cases, may be directly connected to their exercise of their rights to freedom of expression. He calls for all charges against Mr. Rajab and Sheikh Al-Salman to be immediately and unconditionally dropped.

493. Further concern is expressed for the situation of Sheikh Ahmed Ali Al-Salman, the Secretary General of the main opposition movement in Bahrain, "Al-Wefaq National Islamic Society". According to information received, Mr. Al Salman, who was sentenced to four years' imprisonment by the High Criminal Court on 16 June 2015, continues to be held in arbitrary detention as he awaits the hearing of his appeal against the sentence. The Special Rapporteur raises concerns over the due process guarantees afforded to Mr. Al Salman in the course of the proceedings against him, given the multitude of postponements of his appeal hearing on questionable grounds. On 14 January Mr. Al Salman gave his testimony to the Bahrain High Court of Appeal, on 24 January he was interrogated again by the prosecutor general. Further concern is expressed regarding allegations that he is being detained for the exercise of his right to freedom of expression and opinion, and his leadership of Al-Wefaq.

Egypt

494. JUA 30/01/2015 Case no: *EGY 2/2015* State reply: none to date

Allegations of excessive use of force by law enforcement officials leading to the death of female political activist, Ms. Shaimaa Sabry Ahmed Al Sabbagh, in a peaceful protest on 24 January 2015, as well as the deaths of at least 23 other individuals in clashes between protestors and law enforcement officials in other demonstrations on 25 January.

495. JAL 13/04/2015 Case no: *EGY 4/2015* State reply: *28/07/2015*

Allegations of charges brought against a women human rights defender, Ms. Azza Soliman, for testifying on the violent dispersal by police officers of a peaceful protest and the death of a female activist.

496. JAL 12/06/2015 Case no: *EGY 10/2015* State reply: 18/08/2015[10]

Alleged growing restrictions on civil society and the increased targeting of human rights defenders in the context of the implementation of the NGO law and through the use of travel bans.

497. JAL 10/11/2015 Case no: *EGY 16/2015* State reply: none to date

Alleged arrest, detention and charges to be brought against journalist and human rights defender, Mr. Hossam Bahgat.

498. The Special Rapporteur thanks the Government for the reply received to two of the four communications sent during the present reporting period. However, as of the finalization of this report, no responses to have been received to the two further communications sent during the present reporting period. The Special Rapporteur urges the Government to fully engage with the mandates of the Special Procedures Branch and to provide responses to all the communications sent.

499. The Special Rapporteur expresses severe concern for the pattern of persecution and attacks against human rights defenders involved in peaceful protests and manifestations, in what appear to be violations perpetrated by the State of the fundamental rights of freedom of assembly, expression and opinion. In this regard, the Special Rapporteur condemns in the strongest possible terms, the killing of Ms. Shaimaa Sabry Ahmed Al-Sabbagh during in protests which took place on 24 January 2015, as well as the deaths of 20 further individuals. The Special Rapporteur urges the Government to ensure the use of restraint on behalf of police and security forces during the monitoring of protests, and to take all

[10] At the time of publishing no translation for this response was available.

necessary means to ensure the protection of those engaged in the exercise of their fundamental right to freedom of assembly, including human rights defenders.

500. The Special Rapporteur welcomes information received concerning the definitive acquittal of human rights defender Ms. Azza Soliman, along with 16 other defendants, by the Wasr Al Nil Appeal Court on 24 October 2015. However, the Special Rapporteur reiterates his concerns that the original pursuit of judicial action against Ms. Soliman, as well as the appeal lodged by the Public Prosecutors Office to her original acquittal on 23 May 2015, were solely connected to her testimony, made both to police authorities and publicly, concerning the killing of Ms. Al-Sabbagh, which she observed as a bystander.

501. The Special Rapporteur expresses concern at the allegations indicating increasing restrictions put on civil society and human rights defenders resulting from the implementation of the NGO laws and at the increasing use of travel bans to restrict the movement of human rights activists to travel abroad. Travel bans have been imposed on Mr. Hossameldin Ali, Ms. Esraa Abdel Fattah and Mr. Ahmed Ghonim of the Egyptian Democratic Academy, various staff members of the Cairo Institute for Human Rights Studies, and human rights defender Mr. Mohamed Lotfy. Further grave concern is expressed at the increasingly restricted space for civil society through the arbitrary use of the NGO law against organisations who seek to carry out peaceful and legitimate human rights activities or who seek to express dissenting views, in the context of the drafting of a new NGO law that would replace the 84/2002 NGO Law. The Special Rapporteur urges the Government to cease the restrictions, including travel bans on civil society that are engaging in legitimate and peaceful activities to promote democracy and human rights.

502. Whilst the Special Rapporteur welcomes the release of the journalist and human rights defender Mr. Hossam Bahgat on 10 November 2015, he expresses severe concern for his detention and interrogation by military officials, in a case which appears emblematic of the treatment of human rights defenders in the State, and the unchecked power with which State security forces are permitted to suppress their activities. As expressed in the press release emitted by the Special Rapporteur alongside other mandate holders of the Special Procedures Branch on 11 November 2015, grave concern is expressed for the situation of fear and intimidation of journalists and human rights defenders, and its inhibiting effect on the exercise of their legitimate rights and the performance of their essential work in Egypt. This fear is particularly heightened by information received from various sources during the current reporting period documenting further prosecution of human rights journalists in Egypt, and in particular those engaged in peaceful protests and involved in human rights and pro-democracy movements and associations.

Israel

503. JUA 27/01/2015 Case no: *ISR 1/2014* State reply: *10/03/2015*

Alleged arbitrary arrest and risk of imminent arbitrary detention of a human rights defender, Mr. Abdallah Abu Rahma.

504. JAL 22/10/2015 Case no: *ISR 7/2015*[11] State reply: none to date

Allegations of removal orders, travel bans and related court proceedings against Mr. Daoud Al-Ghoul, a human rights defender.

505. The Special Rapporteur thanks the Government of Israel for its response to one of its two communications sent in this reporting period, however he laments the failure of the Government to engage adequately with the allegations presented in the communication. He urges the Government of Israel to fully cooperate with the mandates of the Special

[11] A copy of this communication was sent to the Palestinian government for their information and possible follow up, PSE 2/2015.

Rapporteur in the future, particularly due to the serious allegations addressed in the communications.

506. The Special Rapporteur expresses concern at the arbitrary arrest, prosecution and suspended prison sentence of Mr. Abu Rahma, which appears to be related to his legitimate human rights activities, including his involvement in the Bab al-Shams protest camp. The Special Rapporteur reminds the Government of Israel of the right of individuals to exercise their right to freedom of peaceful assembly and the right to freedom of expression. He is also concerned about the inherent questionability of the use of military courts, falling short of international human rights standards on due process and fair trial, to try Palestinians.

507. The Special Rapporteur reiterates his concern regarding the worrying pattern of harassment of human rights defenders in the West Bank, as well as allegations of persistent harassment and persecution of Mr. Daoud Al-Ghoul, which appears to have been systematically orchestrated in order to halt his reporting on human rights violations in East Jerusalem and to cut his connections with the Palestinian community in the area by restricting his freedom of movement. The Special Rapporteur encourages the Government of Israel to ratify that the Fourth Geneva Convention which prohibits individual or collective transfer of persons under occupation from one area of occupied territory to another. He laments that no reasons for the detention have been made public, nor were any reasons ever given for the multiple bans on his movement and his forcible displacement from his home; all were done by arbitrary military orders The attacks on Mr. Al-Ghoul began shortly after his return from Brussels, where in November 2014 he presented to the European Parliament on the increasing Israeli restrictions and infringements on the work of Palestinian health workers and organizations in Jerusalem. The Special Rapporteur regrets that the targeting of Mr. Al-Ghoul appears to come in retaliation for his exposure of the persecution of Palestinians in Jerusalem. Further concern is expressed at the nature of the judicial processes levied against him, in particular the reliance on secret evidence, immune from legal challenge, to substantiate the charge made against Mr. Al-Ghoul.

Kuwait

508. JAL 25/02/2015 Case no: *KWT 1/2015* State reply: *03/03/2015; 09/04/2015*

Allegations concerning charges and sentencing against two human rights defenders, Mr. Mohammed al-Ajmi and Mr. Abdulhakim al-Fadhli.

509. JAL 17/04/2015 Case no: *KWT 2/2015* State reply: *28/04/2015; 18/05/2015; 05/06/2015*

Alleged arbitrary arrest, temporary detention and charges brought against Mr. Nawaf Al-Henal, a human rights defender, , in an alleged act of reprisal for his cooperation with the United Nations in the field of human rights.

510. The Special Rapporteur thanks the Government of Kuwait for their response to both communications sent during this reporting period.

511. The Special Rapporteur expresses his concern in relation to the Kuwaiti authorities' detention and prosecution of individuals based on non-violent political speech, including criticism of local and foreign leaders, as well as increased internet surveillance the national policies on social media. The Special Rapporteur urges the Government to provide an open space for civil society and respect the fundamental right to freedom of expression and opinion, even if this constitutes of criticism of the Government or political leadership. The Government has in several cases resorted to a law from 1970 (article 25 of the penal code) which prescribes a sentence of up to five years in prison for anyone "who publicly objects to the rights and authorities of the emir or faults him." It also uses laws that prohibit

insulting the rulers of other countries, Islam, the Prophet or Kuwaiti government officials, to curb individuals' right to freedom of expression and of opinion.

512. The Special Rapporteur expresses his concern at more than 100,000 stateless Bedoon community-members living in Kuwait. In recent years members of the Bedoon community have frequently taken to the streets to protest the government's failure to address their citizenship claims. The Universal Periodic Review carried out in January 2015 recommended that the Government of Kuwait should end all de jure and de facto discrimination against Bedoon's by affording en masse all Bedoon's equal protection under law, and in particular by conferring Kuwaiti nationality on a non-discriminatory basis and allowing for the use of social services to these persons. The Special Rapporteur expresses his deep concern at the arrest and sentencing of Bedoon human rights defender, Abdulhakim al-Fadhli, while participating in a peaceful demonstration. The Criminal Court sentenced Mr. al-Fadhli to one year in prison with hard labour on charges of "inciting Bedoon's in Kuwait to protest and cause chaos". The Court also issued a deportation order that will come into effect at the end of his prison sentence. The Special Rapporteur is gravely concerned at the pattern of intimidation and harassment against human rights defenders in Kuwait, in particular those active on the rights of the Bedoon community.

513. The Special Rapporteur is also particularly concerned about a report of a reprisal against a human rights defender, Mr. Nawaf Al-Henal due to his engagement with the United Nations, its mechanisms and representatives in the field of human rights. On return from Geneva, he was interrogated by officials at the Kuwait International Airport with regard to the purpose of his participation at the Universal Periodic Review and the details of meetings he had held on the margins of the session. International law provides for a right to unhindered access to and communication with international bodies on matters of human rights and fundamental freedoms. This right is derived from the human rights to freedom of expression, association, assembly and movement contained in international human rights instruments and in customary international law. The right to unhindered access to and communication with international bodies is also explicitly recognised in the Declaration on Human Rights Defenders and is codified in specific provisions applying to certain UN human rights treaty bodies. Enjoyment of this right implies that those accessing or attempting to access or communicate with these bodies should not face any form of intimidation of reprisal for doing so. The Declaration on Human Rights Defenders recognises the right of human rights defenders to protection from reprisals for their communication or cooperation, or attempted communication or cooperation, with the United Nations' human rights bodies of meetings he had held on the margins of the session. The Special Rapporteur urges the Government of Kuwait to respect these rights and to refrain from any reprisals against persons or organisations engaging with the United Nations within the field of human rights.

514. The Special Rapporteur regrets that human rights defenders continue to be persecuted in Kuwait despite the Government's acceptance of recommendations made during its Universal Periodic Review in January 2015 to take constructive steps to promote and protect human rights. The Special Rapporteur urges the Government of Kuwait to make an effort to fully implement the recommendations made and to make a commitment to improving the status of Bedoon's by ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and fully guaranteeing the right to freedom of expression online/offline by revising relevant laws, including by repealing arrest, trial and imprisonment of persons exercising their freedom of opinion through media and internet.

Lebanon

515. JAL 15/01/2015 Case no: *LBN 1/2015* State reply: 05/03/2015[12]

Allégations du refus d'enregistrement d'un centre de réhabilitation pour victimes de tortures, Centre libanais des droits de l'homme.

516. JUA 22/06/2015 Case no. *LBN 2/2015* State reply: 22/01/2016[13]

Allégations d'arrestation et de détention d'un défenseur syrien, M Maher Ahmad Ibrahim.

517. Le Rapporteur spécial remercie le Gouvernement pour les réponses reçues aux deux communications envoyées pendant la période couverte par le présent rapport.

518. Le Rapporteur spécial remercie le Gouvernement pour les informations fournies en réponse à sa lettre du 15 janvier 2015. Il regrette la décision du Gouvernement de différer la création du Centre libanais des droits de l'homme. Il rappelle au Gouvernement son obligation de respecter, protéger et garantir le droit à la liberté d'association des défenseurs des droits de l'homme, et à ne pas mettre des restrictions indues à cette liberté. Les procédures d'enregistrement des organisations doivent être transparentes, accessibles, non discriminatoires et peu onéreuses ou gratuites.

519. Le Rapporteur spécial remercie le gouvernement pour la réponse reçue à la communication envoyé le 22 juin 2015. Il demeure préoccupé par la situation de M. Maher Ahmad Ibrahim qui, selon les informations fournies par le gouvernement, demeurerait sur le territoire libanais, mais de manière illégale. Le Rapporteur Spécial exprime son inquiétude quant au possible refoulement de M. Ibrahim vers la Syrie, où il risquerait d'être soumis à la torture ou à une exécution judiciaire, à cause de son travail pacifique en faveur des droits de l'homme en Syrie et l'exercice légitime de son droit à la liberté d'opinion et d'expression.

Mauritania

520. JUA 16/01/2015 Case no: *MRT 1/2015* State reply: none to date

Allégations relatives à l'arrestation, la détention arbitraire et l'emprisonnement des membres de l'ONG Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie (IRA).

521 JOL 07/08/2015 Case no: *MRT 3/2015* State reply: none to date

Allégations relatives à l'adoption imminente d'un projet de loi relatif aux associations, aux fondations et aux réseaux d'associations non-conforme avec les normes et standards internationaux en matière de droits de l'homme, notamment les droits à la liberté d'association et à la liberté d'opinion et d'expression.

522. PR *10/08/2015*

UN rights expert urges Parliament to repeal NGO Bill that threatens civil society.

523. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'ait été reçue concernant les communications envoyées pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à ces communications.

[12] At the time of publishing no translation for this response was available.
[13] At the time of publishing no translation for this response was available.

524. Le Rapporteur spécial exprime sa préoccupation quant à la détention arbitraire et à l'emprisonnement de membres de l'ONG Initiative pour la Résurgence du Mouvement Abolitionniste en Mauritanie (IRA) et réitère sa préoccupation sur les allégations affirmant que ces mesures seraient liées à leur travail pacifique œuvrant pour les droits de l'homme en Mauritanie.

525. Le Rapporteur spécial exprime sa préoccupation quant à l'approbation d'une loi sur les associations qui contribuerait à restreindre le travail des organisations de la société civile et le travail des défenseurs des droits de l'homme au sein du pays. Il rappelle au gouvernement son obligation d'assurer que les défenseurs des droits de l'homme, y compris la société civile, puissent travailler dans un environnement favorable et mener leurs activités légitimes, y compris de réunions pacifiques, sans crainte de harcèlement, stigmatisation ou criminalisation de toute nature.

Morocco

526. JAL 04/05/2015 Case no: *MAR 2/2015* State reply: *28/08/2015*

Allégations de diverses restrictions au droit de réunion pacifique et à la liberté d'association d'une organisation de défense des droits de l'homme, l'Association marocaine des droits de l'homme (AMDH)

527. JAL 23/07/2015 Case no: *MAR 5/2015* State reply: none to date

Allégations d'entraves administratives restreignant les activités de l'association des droits numériques (ADN) ainsi que des pressions exercées à l'encontre des défenseurs des droits de l'homme,

528. JAL 03/08/2015 Case no: *MAR 6/2015* State reply: none to date

Allégations d'actes d'intimidations et de harcèlement contre des défenseurs des droits de l'homme et d'autres individus exerçant leur droit à la liberté d'association et de réunion pacifique au Sahara occidental.

529. Le Rapporteur spécial remercie le Gouvernement des informations fournies dans sa réponse à une des trois lettres envoyées pendant la période couverte par le présent rapport et il encourage le Gouvernement à répondre aux deux autres communications restantes.

530. Le Rapporteur spécial remercie le gouvernement pour les informations détaillées reçues en réponse à la communication conjointe du 5 mai 2015 au sujet des mesures restrictives prises à l'encontre de l'Association marocaine des droits de l'homme. Il apprécie les informations fournies quant à la protection du droit à la liberté de réunion pacifique dans la législation marocaine. Le Rapporteur demeure néanmoins préoccupé par une tendance de restrictions et d'entraves visant des associations ainsi que des défenseurs des droits de l'homme.

531. Le Rapporteur spécial exprime son inquiétude quant aux actes d'intimidation et de harcèlement de défenseurs des droits de l'homme et d'individus au Sahara occidental, par des autorités de l'Etat. Il demeure préoccupé par rapport à la situation difficile dans laquelle les défenseurs des droits de l'homme tentent d'exercer leur droit à la liberté d'association et de réunion pacifique, ainsi que leur droit à la liberté d'expression au Sahara occidental.

Oman

532. JUA 16/12/2014 Case no: *OMN 5/2014* State reply: *20/02/2015*

Alleged arbitrary arrest and detention, and enforced disappearance of an Omani human rights defender, Mr. Said Ali Said Jadad, as an act of reprisal for his cooperation with the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

533. JUA 29/01/2015 Case no: OMN 1/2015 State reply: none to date

Alleged acts of intimidation and reprisal in the form of arbitrary arrest and incommunicado detention of Mr. Said Ali Said Jadad for his human rights activities and cooperation with international organizations, including the United Nations, its mechanisms and representatives in the field of human rights.

534. JUA 27/03/2015 Case no: OMN 2/2015 State reply: none to date

Alleged acts of intimidation and reprisal, in the form of a travel ban, against Mr. Mohammed Al-Fazari, for his cooperation with the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

535. PR 30/01/2015

UN experts call for the immediate release of prominent rights activist as reprisals continue unchecked.

536. The Special Rapporteur would like to thank the Governments of the Sultanate of Oman for its response and information received for one of the joint communications and appreciates its engagements with the Special Rapporteur. However he laments the failure of the Government to respond to all issues raised in the joint communication. Furthermore, he regrets that at the time of finalising this report, no responses were received for the two other communications. He urges the Government of the Sultanate of Oman to fully cooperate with the mandates of the Special Rapporteur in the future, particularly due to the serious allegations addressed in the communications.

537. All three communications sent during this reporting period have been in relation to alleged reprisals against human rights defenders due to their cooperation with the United Nations and its mechanisms. The Special Rapporteur wishes to remind the Government that international law provides for a right to unhindered access to and communication with international bodies on matters of human rights and fundamental freedoms. This right is derived from the human rights to freedom of expression, association, assembly and movement contained in international human rights instruments and in customary international law. The Special Rapporteur would like to remind the Government of Oman of Resolution 12/2 of the Human Rights Council Resolution urging States to prevent and refrain from acts of intimidation or reprisal against individuals or organisations that cooperate with the United Nations, its representatives and mechanisms in the field of human rights. The right to unhindered access to and communication with international bodies is also explicitly recognised in the Declaration on Human Rights Defenders and is codified in specific provisions applying to certain UN human rights treaty bodies. Enjoyment of this right implies that those accessing or attempting to access or communicate with these bodies should not face any form of intimidation of reprisal for doing so. In this regard, the Special Rapporteur strongly urges the Government to ensure that human rights defenders can carry out their legitimate activities in a safe and enabling environment; this includes through open and unhindered access to international human rights bodies without fear of reprisal of any sort.

538. Furthermore, the Special Rapporteur expresses concern at the reported increase and more severe control by Omani security and intelligence services over civil society operating in the country and at the impact these restrictions have on the enjoyment of the right to freedom of peaceful assembly and of association and the right to freedom of opinion and expression, as enshrined in the articles 19 and 20 of the Universal Declaration of Human Rights.

539. The Special Rapporteur urges the Government of the Sultanate of Oman to uphold the recommendations which were accepted during the Universal Periodic Review in November 2015, including guaranteeing and protecting freedom of expression in conformity with international standards.

Saudi Arabia

540. JUA 08/12/2014 Case no: SAU 14/2014 State reply: 12/01/2015, 12/02/2015

Allegations concerning the sentencing of three human rights defenders by the Specialised Criminal Court of Saudi Arabia.

541. JUA 31/12/2014 Case no: SAU 15/2014 State reply: 29/07/2015

Alleged arrest and detention of two Saudi female human rights activists, Ms. Loujain al-Hathloul and Ms. Maysaa al-Amoudi, for driving in the Kingdom of Saudi Arabia.

542 JAL 06/01/2015 Case no: SAU 16/2014 State reply: 13/05/2015

Allegations of a travel ban imposed on a woman human rights defender, Ms. Samar Badawi, in reprisal for her cooperation with the United Nations, its mechanisms and representatives in the field of human rights.

543. JUA 22/01/2015 Case no: SAU 1/2015 State reply: 26/01/2015

Alleged public flogging of a Saudi Arabian human rights defender, Mr. Raef Badawi, 19 planned repetitions, and attempts on the part of the Government to silence human rights activists in the country.

544. JUA 12/06/2015 Case no: SAU 3/2015 State reply: 17/06/2015

Alleged imminent resumption of public flogging of Saudi Arabian human rights defender, Mr. Raef Badawi.

545. JUA 30/11/2015 Case no: SAU 10/2015 State reply: none to date

Alleged death sentence following an unfair trial against a poet of Palestinian origin, born in Saudi Arabia, Mr Ashraf Fayadh.

546. The Special Rapporteur thanks the Government of Saudi Arabia for the information received to the majority of the communications sent during this reporting period.

547. The Special Rapporteur expresses grave concern at the sentencing of human rights defenders Mr. Miklif bin Daham al-Shammari, Mr. Waleed Abu al-Khair and Mr. Fadhel Maki al-Manasif, which appears to reflect a pattern of criminalising the legitimate activities of human rights defenders and of curtailing the legitimate exercise of their rights to freedom of opinion and expression and of association in Saudi Arabia. Grave concern is expressed in relation to the safety and security of the above-mentioned human rights defenders in detention, especially following the allegations of solitary confinement and ill-treatment in detention of the human rights defenders.The Special Rapporteur takes note of the Government's reply indicating that all forms of torture are banned in the country and expects the country to uphold this ban.

548. The Special Rapporteur expresses particular concern in relation to acts of reprisals against human rights defender, Ms. Samar Badawi, for her cooperation with UN human rights mechanisms and representatives, in the field of human rights, namely the Human Rights Council. Following a delivery of a statement at the 27th session of the Human Rights Council, in which she advocated for the release of her spouse, Mr. Al-Khair and other human rights defenders and political prisoners held in detention in Saudi Arabia, she received threats and was prevented from travelling to Belgium to attend the 16th European Union NGO Human Rights Forum. The Special Rapporteur strongly urges the Government to ensure that Ms. Samar Badawi along with other human rights defenders can carry out their legitimate activities in a safe and enabling environment, including through open and unhindered access to international human rights bodies such as the United

Nations, its mechanisms and representatives in the field of human rights, without fear of harassment, stigmatisation or criminalisation of any kind.

549. The Special Rapporteur expresses grave concern at the restrictions on freedom of expression on those who monitor and document human rights abuses in the country. Human rights defender and blogger, Mr. Raef Badawi, who was awarded the Sakharov Prize by the EU Parliament in October 2015, received an extremely harsh sentence of ten-years imprisonment, 1000 lashes, a fine, travel ban and a ban on using media outlets on charges of blasphemy for documenting human rights abuses in the country. The Special Rapporteur would like to remind the Government that Articles 18 and 19 of the Universal Declaration of Human Rights guarantee the right to freedom of thought, conscience and religion and the right to freedom of opinion and expression, respectively. Article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Saudi Arabia acceded to on 23 September 1997, provides for the absolute and non-derogable prohibition of torture. Mr. Badawi received his first 50 lashes on 9 January 2015 in a public square in Jeddah, sources state that the flogging is due to resume shortly, however not in public. The Special Rapporteur calls for the flogging to be halted by pardoning Mr. Badawi, and to urgently review this type of extraordinarily harsh penalty.

550. The Special Rapporteur welcomes the decision to overturn the death penalty against Mr. Ashraf Fayadh, however he continues to reiterate his concern in relation to his sentencing of eight years in prison, 800 lashes and renouncing his poetry on Saudi state media. It is a further concern that Mr. Fayadh's judgment and sentencing may have a deterrent effect on other artists, writers, poets, individuals and groups in Saudi Arabia, discouraging them from exercising their right to freedom of opinion and expression either orally, in writing or in print, in the form of art, or through any other media, out of fear of persecution.

Syrian-Arab Republic

551. JUA 22/10/2015 Case no: *SYR 2/2015* State reply: *30/10/2015; 29/04/2015*

Alleged enforced disappearance and consequential incommunicado detention of imprisoned human rights defender, Mr. Bassel Khartabil.

552. The Special Rapporteur thanks the Government for the information received on the communication sent on 22 October 2015, but he encourages the Government to provide a detailed response to the allegations and questions raised therein.

553. The Special Rapporteur takes note of the Government's response to the communication on human rights defender Mr. Bassel Khartabil, who was initially arrested in 2012, but allegedly removed from his prison cell and taken to unknown location on 3 October 2015. The Special Rapporteur is gravely concerned as for his physical and psychological integrity, in light of allegations of torture in the past, and the fact that his fate and whereabouts are still unknown. He urges the Government to thoroughly investigate the enforced disappearance and to provide information on the whereabouts of Mr. Khartabil. The Special Rapporteur reiterates his concern from last year's report for the safety of human rights defenders in the Syrian Arab Republic. Mr. Khartabil was the subject of the Opinion No.5/2015, which was rendered by the Working Group on Arbitrary Detention at its 72nd Session, on 21 April 2015.

Tunisia

554. JOL 24/07/2015 Case no: *TUN 1/2015* State reply: none to date

Non-conformité présumée de divers articles d'un projet de loi organique relatif à la lutte contre le terrorisme et à la répression du blanchiment d'argent avec un certain nombre de dispositions du Pacte international relatif aux droits civils et politiques.

555. Le Rapporteur spécial regrette qu'au moment de la finalisation du présent rapport, aucune réponse n'a été reçue à la communication envoyée pendant la période couverte par le présent rapport et il encourage le gouvernement à répondre à ces communications.

556. Le Rapporteur spécial exprime sa préoccupation quant à la législation relative à la lutte contre le terrorisme et à la répression du blanchiment d'argent, qui pourrait donner lieu à un usage abusif pour restreindre les libertés fondamentales des citoyens, notamment à cause d'une définition trop large du terme « terrorisme ». Il aimerait rappeler au gouvernement que toute mesure visant à lutter contre le terrorisme et à préserver la sécurité nationale doit être conforme aux obligations de l'Etat au titre du droit international, notamment le droit international des droits de l'homme. Les mesures doivent répondre aux critères de nécessité et de proportionnalité et ne doivent pas entraver les activités et la sécurité des individus, des groupes et des organes de la société qui œuvrent à la promotion et à la défense des droits de l'homme.

United Arab Emirates

557. JUA 20/02/2015 Case no: *ARE 1/2015* *State reply: 03/03/2015*

Alleged arbitrary arrest, incommunicado detention and enforced disappearance of three women, which may be related to their activities on the internet in defence of their brother in prison after an unfair trial.

558. JUA 02/04/2015 Case no: *ARE 2/2015* State reply: *30/04/2015*

Alleged arbitrary arrest, detention, torture and conviction of blogger and human rights defender, Mr. Osama al-Najjar, in reprisal of his cooperation with the Special Rapporteur on the independence of judges and lawyers and his peaceful exercise of the right to freedom of opinion and expression.

559. JUA 27/08/2015 Case no: *ARE 3/2015* State reply: none to date

Alleged arbitrary and incommunicado detention, and high risk of torture or ill-treatment, of a United Arab Emirates national, Mr. Osama al-Najjar.

560. The Special Rapporteur thanks the Government of Saudi Arabia for their responses to two of the three communications sent during this reporting period and encourages the Government to provide a reply for the other remaining communication.

561. The Special Rapporteur expresses serious concern in relation to allegations received stating that security authorities in the United Arab Emirates (UAE) have arbitrarily arrested several peaceful protesters, government critics and reform advocates since the start of 2011 and subjected many of them to lengthy incommunicado detention. Many have been victims of enforced disappearance, held in secret locations by authorities who have refused to acknowledge their detention or disclose any information to their families and also denied them access to legal counsel. Such conditions breach both the UAE's own laws, as well as customary international law, which define enforced disappearance as a crime. Many of those arrested have been held in solitary confinement and tortured or otherwise ill-treated while under interrogation; some, when brought to trial, told the court that they were forced under torture or other duress to put their signatures to statements that their interrogators did not permit them to read and which were then presented to the court as their "confessions". The Special Rapporteur urges the Government to put an end to these arbitrary detentions and ensure the respect of the rule of law and due process.

562. The Special Rapporteur expresses further concern at the alleged arbitrary arrest, incommunicado detention and enforced disappearance of three women, which may be related to their activities on the internet in defence of their brother in prison after an unfair trial. The Special Rapporteur welcomes the information that the three women were released three months later; however he expresses concern in relation to their arrest and incommunicado detention. The sisters had been active online, defending their brother Dr.

Issa Khalifa al-Suwaidi who was sentenced to 10 years in prison after an alleged unfair trial often referred to as the "UAE 94 trial". The Special Rapporteur expresses serious concern that the Government is increasingly framing its attacks on freedom of expression and association under the pretext of national security threats, by labelling activists who peacefully advocate for political reform and greater human rights, as a threat to state security and imprison them on security-related charges.

563. Furthermore, the Special Rapporteur expresses concern in relation to the case of Mr. Osama al-Najjar an activist and blogger, who also actively defended those sentenced from the UAE 94 case on *Twitter* and his blog; this included his father who is serving an eleven years sentence. The Special Rapporteur is particularly concerned about reports of reprisals against Mr al-Najjar due to his cooperation with the Special Rapporteur on the independence of judges and lawyers, as well as for his peaceful exercise of the right to freedom of opinion and expression and legitimate activities advocating for justice and human rights in the UAE. The Special Rapporteur laments that after spending almost six months in pre-trial detention, Mr al-Najjar appeared before the State Security Court at the Federal Supreme Court in Abu Dhabi, whose decisions are not subject to appeal and sentenced him to three years in prison and a fine. International law provides for a right to unhindered access to and communication with international bodies on matters of human rights and fundamental freedoms. The Special Rapporteur urges the Government to revise laws that criminalize the peaceful exercise of the right to freedom of expression and association, and provide human rights defenders in the country with a safe and enabling environment to exercise their legitimate human rights work.

Other

564. JOL 07/07/2015 Case no: *OTH 3/2015* Business reply: *23/07/2015*

Alleged beating, abduction and murder of a farmer, youth worker and environmental human rights defender, Mr. Indra Pelani, by private security guards hired by the subsidiary company of a paper mill.

565. The Special Rapporteur thanks Asia Pulp and Paper Sinar Mas Group (APP) for its prompt response to the letter sent on 7 July 2015.

566. The Special Rapporteur expresses serious concern about the alleged beating, abduction and murder of Mr. Pelani and violence against Mr. Nick Karim. Concern is expressed that the murder and violence are allegedly directly related to their activities in defence of human rights and the environment. The Special Rapporteur notes Asia Pulp and Paper's cooperation with an independent investigation by the Indonesian National Commission on Human Rights (Komnas HAM). However, he believes that APP can increase its effort to reduce the possibility of such conflicts and violence occurring at other operations elsewhere in Indonesia. He urges APP to apply the Guiding Principles on Business and Human Rights to ensure the respect of human rights and sustainable development in the pursuit of their activities. The Special Rapporteur regrets that the death of Mr. Pelani highlights the increasingly volatile relationship between corporations and human rights defenders. He recommends that APP resolve the social conflicts with local forest communities and recognise their right to land before continuing to clear natural forests.

Press Releases

567. PR *10/12/2014*

UN Independent experts urge practical measures to eradicate racial discrimination-International Decade for People of African Descent.

568. PR 13/05/2015

Discriminated and made vulnerable: Young LGBT and intersex people need recognition and protection of their rights, International Day against Homophobia, Biphobia and Transphobia – Sunday 17 May 2015.

569. PR 24/09/2015

More needs to be done to protect women's sexual and reproductive health and rights – UN and regional experts on the occasion of the adoption of the 2030 Agenda for Sustainable Development / 25-27 September 2015.

570. PR 04/11/2015

Protecting human rights defenders: UN expert launches survey to identify best practices.

Annex

571. The mandate of the Special Procedure on the situation of human rights defenders, established by the Human Rights Council, includes a broad range of responsibilities.[14] As part of the mandate, the Special Procedure undertakes country visits to assess situations in specific countries and presents annual reports to the Human Rights Council and the General Assembly on particular topics or situations related to human rights defenders. Furthermore, the Special Rapporteur is mandated to seek, receive, examine and respond to information on the situation of human rights defenders, which includes taking up, with the State and non-State actors concerned, individual cases of human rights violations committed against defenders. He can therefore intervene directly with Governments on allegations of violations of human rights that come within his mandate by means of communications.

Who is a defender?

572. "Human rights defender" is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what they do and it is through a description of their actions and of some of the contexts in which they work that the term can best be explained. For more information, please see: http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx.

Communications

573 The Special Rapporteur takes up, with the States concerned, individual cases of human rights violations committed against defenders.

Where does the information come from?

574. Information on such cases is received through a variety of sources including individual defenders, NGOs, legal representatives' family members and United Nations agencies.

[14] See Human Rights Council resolutions 25/18 and 16/5.

What happens when the information reaches the Special Rapporteur?

575. As information arrives the Special Rapporteur first seeks to determine if it falls within the mandate.

576. Secondly, every effort is made to determine the probable validity of the allegations of the human rights violation and the reliability of the source of the information. Often, important details may be missing from the information initially received and the OHCHR staff supporting the Special Rapporteur's mandate will contact sources to collect additional information.

577. Thirdly, the Special Rapporteur then makes contact with the Government of the State where the alleged violation is thought to have occurred. Contact is usually conducted through an 'Urgent appeal' or 'Allegation' letter addressed to the State's diplomatic mission with the United Nations in Geneva for transmission to capitals. The letters provide details of the victim, the human rights concerns and the alleged events.

578. 'Urgent appeal' letters are used to communicate information on a violation that is allegedly ongoing or about to occur. The intention of these letters is to ensure that the appropriate State authorities are informed as quickly as possible of the relevant circumstances so that they can intervene to end or prevent violations. For example, a death threat that is reportedly made against a human rights lawyer in response to the lawyer's human rights work would be addressed through an urgent appeal letter.

579. 'Allegation' letters are used to communicate information on violations that are thought to have already occurred and for which the impact on the defender affected can no longer be changed. These kinds of letters are used, for example, in instances where information only reaches the Special Rapporteur long after the events have occurred or where the human rights abuse has already been committed and reached a conclusion. For example, where a defender has been killed this would be raised with States through an allegation letter.

Allegations that cover several human rights issues

580. The Special Rapporteur constantly consults with other Special Rapporteurs whose mandates are implicated in a particular case, and frequently sends joint letters of concern with these mandate holders.

What is the objective of the Special Rapporteur's intervention?

581. The primary objective of these letters is to protect human rights defenders by ensuring that State authorities are informed of allegations as early as possible and that they have an opportunity to investigate them and to end or prevent any human rights violation. With both Urgent appeal and Allegation letters, the Special Rapporteur asks the Government to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions to the Special Rapporteur. Allegation letters focus primarily on asking the State authorities to proceed with an investigation of the events and to conduct criminal prosecutions of those responsible.

How much time does the process take?

582. The Special Rapporteur and assisting OHCHR staff try to react as quickly as possible to allegations, with special attention given to the most serious and urgent cases. In many instances a case is taken up by the Special Rapporteur with the concerned Government within a few hours of the information being received from the source. In

instances, where insufficient information is available in the initial contact it can take several days to gather and clarify sufficient information for contact to be made with a government.

What happens next?

583. Ideally, the Government will react immediately to the Special Rapporteur's letter and investigate the alleged facts, taking action to prevent or end any violation. Governments are urged, under the Human Rights Council resolution related to the Special Rapporteur's mandate, to respond to the letters sent. In many instances, responses are not received, are received several months later or do not address the substantive concerns raised by the Special Rapporteur.

584. If the Special Rapporteur does not receive a rapid response from a Government, particularly with regard to an urgent and very serious case, then additional efforts are made to follow-up with the Government concerned, via contact with its permanent representation at the United Nations in Geneva. Resource limitations make it impossible for the Special Rapporteur to follow-up on every case.

Confidentiality

585. The identity of persons and organisations that send information to the Special Rapporteur is always kept confidential and is never referred to in the letters to Governments or in public reports.

586. The letters by the Special Rapporteur to Governments are not published until they are compiled together with the Governments' responses received in the communications report of all the Special Procedures of the Human Rights Council. Since September 2011 onwards, this report has been issued three times per year and is presented at the Human Rights Council sessions. The reports are available at:
http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx

How to submit an allegation

587. The table on the next page provides guidelines on the types of information that the Special Rapporteur requires in order to be able to take action on a case, as well as on how the information can be submitted.

Selecting the right information - Presenting it clearly

588. Before sending a complaint, please ensure that all most of the details that are asked for in the template below are included. In cases of extreme urgency, it may be possible to submit a case without some of these details, but their absence makes examining the matter more difficult. If you have additional information, it could also be helpful if it is relevant to the case or the victim. Information may be sent in list form or it may be provided in a letter. Providing the correct details and expressing them clearly make a quick response easier.

Confidentiality

589. The identity of a victim will always be included in any exchange between the Special Rapporteur and State authorities. The Special Rapporteur cannot intervene without revealing the victim's identity. If the victim is a minor (below 18 years of age) the Special Rapporteur will include his or her name in contact with the State but will not include the name in any subsequent public report. The source of the information provided or the victim may also request that the victim's name not be included in public reports.

590. The identity of the source of information on the alleged violation is always kept confidential. When submitting information, the source may indicate whether there are any other details that should remain confidential.

Contact details for sending submissions and for further correspondence

590. The Special Rapporteur's staff will acknowledge the receipt of a submission if this is requested. They can be contacted at any time for further discussion.

E-mail contact detai'ls: *urgent-action@ohchr.org*

The text of the e-mail should refer to the human rights defenders mandate.

Fax: +41 22 917 9006 (Geneva, Switzerland)

Telephone: +41 22 917 1234 (Geneva, Switzerland)

591. This is the number for the United Nations telephone operator in Geneva, Switzerland. Callers should ask to speak with staff at the Office of the United Nations High Commissioner for Human Rights dealing with the special procedures of the Human Rights, and specifically with staff supporting the mandate of the Special Rapporteur on human rights defenders.

Template for the submission of an allegation

Name of victim(s):	
Gender:	
Nationality:	
Profession:	
*Describe **human rights activities** in which the victim(s) is/are engaged, including involvement with human rights organisations (the name of the organisation, main activities, focus area etc.)*	
*Describe what happened, **where, when, and what** is the current situation (please provide as much relevant detail as possible and describe events chronologically, including any previous incidents)*	
*Describe actions taken by the victim(s) and/or the authorities **after** the alleged violation. Is there any ongoing investigation of the case?*	

*Describe the **link** between the alleged violation and the victim's human rights work or their exercise of human rights*	
*Confirm if the victim(s) has provided **informed consent** for the intervention by the Special Rapporteur on his/her behalf** ** consent by the victim(s) or their family/lawyer, including their understanding of the risks involved, is absolutely essential in cases of violations against individuals*	
*Provide name, contact details and professional role (if relevant) of the individual or organisation submitting the allegation** **This shall remain confidential*	

+ Subsequent to the submission of an allegation, it is essential to keep the mandate holder updated by sending on information of any positive or negative developments which may occur and which bring about a change in the situation of the victim(s).